STREET SPIRIT

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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

Democracy Under Assault on the Streets of Berkeley

by Terry Messman

The whole world is watching. A video taken by Bryan Hamilton has gone viral and is being watched around the nation. It is a shocking video of the brutal assault on a homeless man carried out by ambassadors of the Downtown Berkeley Association (DBA).

On March 19, two DBA ambassadors accosted two homeless men in downtown Berkeley, James Cocklereese and Nathan Swor. After a brief verbal altercation, DBA Ambassador Jeffrey Bailey began viciously punching Cocklereese, a 29-year-old homeless man, in the face.

Bailey unleashed a flurry of three blows to the face and one to the body, knocking the homeless man sprawling to the sidewalk. What happened next was even more cruel and senseless.

Ambassador Bailey stood over the homeless man and forced him to remain lying down on the sidewalk, grabbing him by the neck and savagely punching him six more times in the face. Bailey then dragged him bodily across the sidewalk and threw him face down on the street. Cocklereese offered no resistance while the prolonged beating took place.

The assault took place on March 19, only two days after nearly 100 people filled the council chambers and warned the Berkeley City Council that the anti-homeless laws proposed by John Caner, the CEO of the Downtown Berkeley Association, were cruel and punitive, and would make Berkeley a pariah for its violations of human rights and international law.

"Segregation, After Norman Rockwell." **The segregation laws of the past are now revived as anti-homeless laws.** Art by Nili Yosha

In the aftermath of the assault, Caner expressed remorse over the beating and announced that the ambassador who committed the assault had been fired, and the second ambassador involved was suspended during an investigation.

What of the homeless victims of this assault? They were arrested and jailed by the police for the "crime" of having been brutalized by DBA ambassadors. After all, this is Berkeley, where homeless people face repression both from city police and the extrajudicial mercenaries unleashed on the homeless population by the Downtown Berkeley Association.

In an appalling case of blaming and defaming the victim, the Alameda County district attorney initially joined the assault on human rights by filing seven misdemeanor charges against the two homeless men. Finally, on April 1, after viewing the video posted on YouTube, the district

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In Berkeley, the Wrong Men Were Sent to Jail

by Bob Offer-Westort

Nora Isaacs recently wrote in tearful prose about the excess of tolerance in Berkeley. Her op-ed on the Berkeleyside news website asked, "In Berkeley, how much tolerance is too much?" From her perspective, a culture of tolerance in Berkeley is the root of Berkeley's homeless problem: Until the culture of tolerance can be swapped for its alternative, Berkeley will be forced to support a homeless population that should be spread more evenly throughout the state.

Isaacs' essay was written in defense of a slate of six proposed anti-homeless laws introduced by the Downtown Berkeley Association on March 17. The Berkeleyside op-ed is, thus far, the only piece in local media to defend the DBA's proposed restrictions. The legislation was eclipsed in the public eye when Berkeley was reminded of just what a culture of intolerance looks like.

On Thursday, March 19, two homeless men who go by the names of Smiley and Quagmire pulled their belongings and Smiley's dog Toad to the alleyway behind the CVS at Shattuck and Bancroft in downtown Berkeley. The two had been confronted by two of the Downtown Berkeley Association's ambassadors earlier, and ordered to clear off Shattuck Avenue.

DBA ambassadors confront a homeless man just before they began beating him. This is a screen shot of Bryan Hamilton's video that has been posted to YouTube.

The ambassadors — employed to pick up trash, give visitors directions, and coax, cajole, or intimidate homeless people off of Shattuck — are not officers of the law. Like most of us, they've got every right to instruct other private citizens to scram, and said private citizens have every right to ignore the ambassadors, — like most of us.

Nonetheless, rather than engage in a prolonged conflict, Smiley and Quagmire ducked off Shattuck, down Bancroft, and into the first available alley. They made a mistake, however, and the ambassadors were quick to catch it: While on Shattuck, they had been on public property. But the alley was a loading entrance for the adjacent building, and was private property.

DBA Ambassadors Jeffrey Bailey and Carmen Francois followed them into the alley, and revived the confrontation. While the homeless men gathered their belongings to depart again, Bailey and Francois stood over Quagmire, supervising his packing. Bailey took one of Quagmire's motions as a sleight, and told the "boy" to get out of his face.

Quagmire, age 29, objected, "Boy? Getting in your face? Punk, I'm packing up my shit. Get the fuck back from my shit."

"Fuck you," replied Francois.

Quagmire replied in terms not intended for print.

Bailey advanced forward toward Quagmire, stepping on his bag. Quagmire objected to this, and, his objection ignored, he stepped forward, pointed down, and demanded that the ambassador back up off of his property. DBA Ambassador Bailey looked to the side, and then suckered Quagmire with a right hook.

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Nationwide Epidemic of Anti-Homeless Hate Laws

A Column on Human Rights

by Carol Denney

A shocking report from the National Law Center on Homelessness and Poverty (NLCHP) documents a raging epidemic of anti-homeless laws sweeping the nation. "No Safe Place: The Criminalization of Homelessness in U.S. Cities" studied laws in 187 cities across the United States. In the cities surveyed, 34 percent ban camping and 57 percent ban camping in specific places. While 24 percent ban begging in public, a staggering 76 percent ban begging in specific places.

Even though nearly all the nation's vagrancy laws were long ago struck down as unconstitutionally vague, they have made a shocking comeback, with 33 percent of cities banning loitering and vagrancy, and 65 percent banning loitering in specific places.

In addition, 53 percent of cities ban sitting or lying down in particular places, and 43 percent ban sleeping in vehicles.

Nearly 10 percent of cities even ban sharing food with homeless people.

A lack of low-income housing is the primary cause of homelessness. The report notes that 12.8 percent of the nation's low-income housing has been permanently lost since 2001. Even cities with huge disparities in income and skyrocketing rents such as Berkeley, California, typically have "fewer available shelter beds than homeless people," leaving people struggling to exist in public spaces.

It is a simple equation: Fewer apartments and jobs plus skyrocketing rents and evictions equal more people flailing for housing, employment, and shelter.

More and more cities turn to curfews, prohibitions on begging, sleeping, or "camping" in response to the visible poverty in their public spaces, despite the fact that, according to the report's key conclusion, criminalization is "the most expensive and least effective" method of addressing homelessness.

Criminalizing poverty makes matters worse. Jail costs an average of two to three times the cost of supportive housing.

For someone who can't pay a fine or raise bail, release conditional on the acceptance of a guilty plea can mean the loss of jobs, voting rights, housing opportunities and access to benefits.

The U. N. Human Rights Committee declared the criminalization of homeless and poor people is a violation of the International Covenant on Civil and Political Rights, and successful litigation proves that criminalization of poverty raises serious constitutional concerns.

From Berkeley to Orlando, Florida, cities have passed a river of anti-homeless ordinances that vary widely from city to city instead of using common-sense solutions: investing in affordable housing, increasing the stock of subsidized housing, using "Housing First" models for people in need, coordinating services, especially for those discharged from hospitals and jails, and training police and other officials to respect the human rights of homeless and poor people.

The "No Safe Place" report finds that homeless people are banished from sidewalks — yet businesses freely use public spaces. *(flowers)* Art by Jonathan Burstein

The increase in laws that target poor and homeless people is "dramatic," according to the National Law Center's report, and makes life worse for an entire community. The United States Conference of Mayors surveyed 25 major American cities and found that between 2012 and 2013 there was a 4 percent increase in homeless families. But that has not stopped the wave of anti-homeless laws from accelerating.

There is no state in the union, according to the report, where minimum-wage workers can afford a one- or two-bedroom apartment at market rent. Families that use their cars as temporary shelter run the risk of violating the laws against sleeping in one's own vehicle in nearly half the cities surveyed, adding criminal charges to their already burdened lives.

The report highlights international solutions to homelessness, including South Africa's constitution, which recognizes a "fundamental right to adequate housing" and prohibits "arbitrary evictions." The Supreme Court of Appeal of South Africa found in one case that the destruction of temporary structures inhabited by "a group of homeless people on a vacant plot of land" was not only a violation of the Constitution, but also violated "various other provisions of the Bill of Rights that ensure personal security, dignity, and privacy." The Supreme Court ordered the reconstruction of their structures.

Scotland 's Homelessness, Etc. Act of 2003 is cited in the report as recognizing "a judicially enforceable right to immediate housing for all homeless persons and

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Berkeley's Sweeping Anti-Homeless Legislation

The DBA and City Council pushed the anti-homeless laws without even consulting any of the city's commissions.

by Carol Denney

On March 17, the Berkeley City Council voted 6-3 in favor of a sweeping set of anti-homeless measures called "Berkeley's Community Commercial Sidewalks and Public Spaces."

All that really matters to know about this deal is that it was sent straight from the Downtown Berkeley Association through the City Council to the city manager without being given even a cursory look from the extensive community-based commission system for the customary evaluation and analysis of such measures. Its proponents also didn't bother watering down or dressing up these anti-homeless measures with syrupy "services."

It could all change. A courageous city manager would do what Councilmember Kriss Worthington did, and note that most of the behavior complained about at the hearing was already illegal, and focus on enforcement issues. Or provide a note of caution that Berkeley's long history of targeting the poor makes it vulnerable to a civil rights challenge on the basis of patterns and practices of discrimination. Or perhaps recommend that infractions be tracked so that racial or other biases can be identified and addressed.

Berkeley's most powerful merchant association, the Downtown Berkeley Association, requested these measures in a wholehearted attempt to transform Berkeley into one of the most repressive cities in California with respect to its willingness to target poor and homeless citizens.

The Downtown Berkeley Association began pushing these anti-homeless measure without bothering to consult anybody else. But a city manager with either a conscience or a constitutional concern could halt the whole runaway train. This apparent end run around Berkeley's city commissions is a course ordinarily reserved for emergencies, which would be an ironic claim given the long history of efforts to criminalize homelessness in Berkeley.

The more profound irony is that this legislation passed not only in one of the most liberal cities in the nation, but also passed in the same town where a beautifully written survey of California's anti-homeless laws entitled "California's New Vagrancy Laws" was just published by the UC Berkeley School of Law Policy Advocacy Clinic. This important report was widely publicized in the local and national press, so surely some city official has taken notice of it.

The report carefully shows that California's anti-homeless laws constitute a serious violation of human rights and are a product of the same prejudice against an unprotected minority that earlier in our nation's history created the segregation ordinances of the deep South, and the anti-Okie laws of the Dust Bowl.

Yet this report managed not to disturb the waters of the deeply entrenched Berkeley City Council majority that caters to the whims of the big realty firms and property development firms who control the Downtown Berkeley Association.

Did the Berkeley City Council even read this report? If email or phone them, you can ask them. We can only hope that your call inspires them to read a clear, compelling story of what happens when a powerful community faction that only plans to house rich people, and criminalize the poor, is finally embarrassed enough to change course.

COMMUNITY COMMERCIAL SIDEWALKS AND PUBLIC SPACES

Recommendation: Discuss and refer the following to City Manager for implementation, regarding our commercial areas:

1. Ordinance preventing panhandling within 10 feet of a parking pay station (akin to our ATM ordinance).

2. Review ordinances other cities use to address public urination/defecation and return with recommendations for implementation; ensure public restrooms are available and well publicized. Involve BART in exploring possible locations.

3. Ordinance preventing the placement of personal objects in planters, tree wells, or within 3 feet of a tree well.

4. Ordinance preventing lying on planter walls or inside of planters.

5. Ordinance preventing deployment of bedding, tenting, sleeping pads, mattresses, blankets, etc. on sidewalks and plazas from 7 a.m. to 10 p.m.

6. Ordinance preventing personal items from being affixed to public fixtures including poles, bike racks (except bikes), planters, trees, tree guards, newspaper racks, parking meters and pay stations. Pet leashes exempt only as not prohibited in BMC 10.12.110.

7. Ordinance preventing unpermitted cooking on public sidewalks.

8. Survey business districts to determine adequacy of enforcement of current ordinances; develop an action plan for consistent enforcement as needed.

9. Clarify if "no trespass signs" on private property extend to sitting against buildings.

10. Assess adequacy of six-foot right-of-way to enable sufficient pedestrian and wheelchair passage particularly in high-traffic areas.

11. Refer to the budget process extending transition-aged youth shelter hours beyond winter months.

Why Criminalizing Poverty Sells in Berkeley

by Carol Denney

Criminalizing homelessness is the most expensive, least effective way to address homelessness. Studies prove it, reporters note it, and common sense suggests it since paying for a year of low-income housing or even a college education costs a lot less than a year in jail. So why does it sell like crazy?

From coast to coast, we're bristling with new anti-homeless and vagrancy laws, according to "No Safe Place: The Criminalization of Homelessness in U.S. Cities," a report by the National Law Center on Homelessness & Poverty.

California leads the way with an average of nine anti-homeless laws per city, according to the UC Berkeley School of Law Policy Advocacy Clinic's new study, "California's New Vagrancy Laws."

These laws typically criminalize standing, sitting, lying down, sleeping, having belongings which might be used for "camping," sleeping in your own car, sharing food with others, and asking for money. Many of these actions are unavoidable for people who have no place to go.

Why are these embarrassingly heartless laws so easy to pass and so popular? The answer is that there's currently a political cost to any politician who insists on the creation of low-cost housing as a priority. But there is very little political cost at present to passing yet another law, even an unconstitutional law, which burdens the poor or persecutes the homeless.

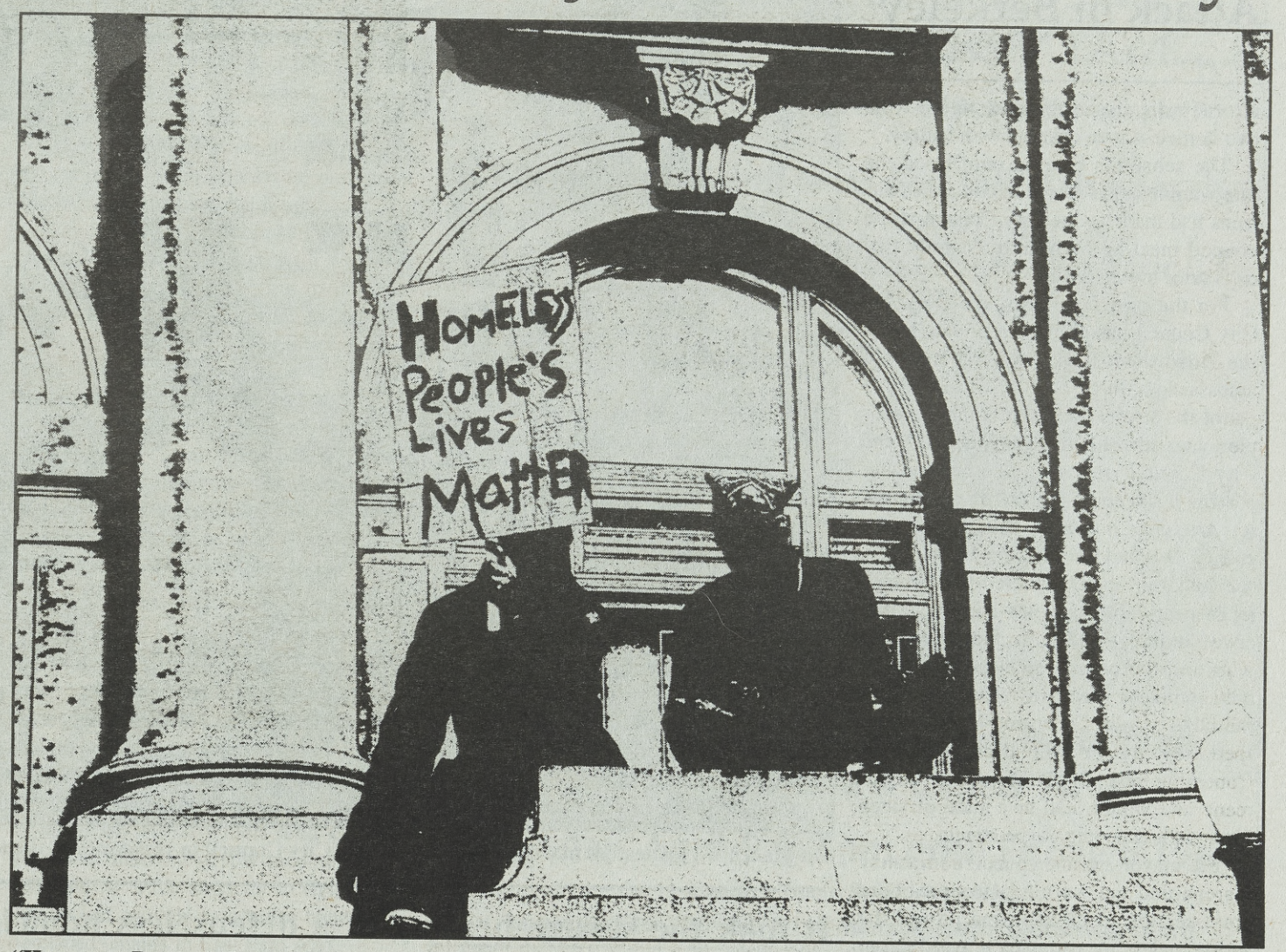
Berkeley is a great case in point. Berkeley is a college town, notoriously liberal, consistently cast as comically out of touch with mainstream American politics by the national press. But mayor after mayor in Berkeley has been more than willing to override the will of the community, ignore the moral objections of religious and human rights groups, and go to bat in court for unconstitutional legislation on behalf of political groups who want the poor to just disappear.

In an interview early in his political career posted online by Berkeley author and poet John Curl, Mayor Tom Bates referred to rent control as "a no-win position" for him and "a death knell" for politicians generally. Berkeley citizens, in the absence of honest leadership on the issue of low-income and affordable housing, cite their own frustration with panhandling and homelessness as reason enough to vote repeatedly for laws of dubious constitutionality which target poor people on the street struggling with unemployment, evictions and skyrocketing rents.

U.S. District Court Judge Claudia Wilken issued a temporary restraining order in 1995 against Berkeley's 1994 anti-panhandling law, noting that "some Berkeley citizens feel annoyed or guilty when faced with an indigent beggar.... Feelings of annoyance or guilt, however, cannot outweigh the exercise of First Amendment rights."

Poor and homeless people are notoriously ill-equipped to hire lawyers and mount legal challenges to the anti-poor laws generated primarily by merchant associations which, in the case of the powerful Downtown Berkeley Association (DBA), get mandated "membership" payments from all the businesses within its expanding downtown footprint.

The DBA's board is dominated by large property owners who were the primary funders of the failed anti-sitting law campaign in Berkeley's 2012 election. There is not a single representative on the board from the poorly funded nonprofits and law clinics who work with the poor and homeless people caught up in the endless web of the criminalization of poverty.



"HOMELESS PEOPLE'S LIVES MATTER." Artwork based on the Berkeley City Council protest on March 17. Art by Carol Denney

Those are the groups who will show up in opposition to new anti-homeless initiatives. But they are much less likely than wealthy investment and property companies to be able to toss large campaign donations to councilmembers running in the next election.

The Berkeley City Council knows that circling poor and homeless people endlessly through overburdened courts and jails over unpayable fines for innocuous offenses is dumb. They tend to be intelligent people who by now have had somebody toss a copy of the report on "California's New Vagrancy Laws" by the UC Berkeley Policy Advocacy Clinic, or the "No Safe Place" report on the criminalization of homelessness in U.S. cities from the National Law Center on Homelessness and Poverty (or both) on their desks. They may even have read the reports.

But it takes courage to say no to merchant associations and the University of California's short-sighted effort to make homelessness and poverty invisible. Courage is in short supply in the Berkeley City Council chambers.

For all the opining in January and February 2015 about the Black Lives Matter campaigns, and even though the majority of those affected are people of color and people struggling with disabilities, the anti-homeless laws proposed by Berkeley City Councilmember Linda Maio at the council meeting on March 17 passed with a predictable majority, proving that Berkeley's war on the poor will go on without interruption.

Courageous testimony at the City Council by homeless people, UC professors and students, and advocacy groups seemed to make little difference to the councilmembers who supported the proposal.

The majority of the proposal's few citizen supporters were real estate brokers who complained about behavior which is already illegal, as Councilmember Kriss Worthington noted in his eloquent statement about the expense and ineffectuality of criminalizing more and more attributes of homelessness (such as "deploying" a blanket between 7:00 a.m. and 10:00 p.m.) rather than addressing practical solutions.

"How many people have gotten clean and sober when there are consequences to their behavior?" asked Councilmember Lori Droste, proving you can put a new face on the council and raise the collective IQ not one iota.

Councilmember Jesse Arreguin removed his name as a sponsor of the anti-homeless laws, but offered the usual leavening of "services" in an ineffectual effort to "balance" the legislation, which, with all due respect to charities and humanitarian services, is a strategy consistently used in Berkeley to make it easier to pass repressive human rights violations.

Several of the councilmembers who voted for the new anti-panhandling and anti-homeless laws flatly denied that they were criminalizing homelessness. They just don't see it. They feel obligated to respond to complaints about what was called "problematic street behavior" in *1994's Measure N & O campaign days,* and are unmoved, at least at this point, by arguments that such measures clog courts and cost money better spent on common sense solutions. They just don't see it, and they certainly are not hearing it from their constituents.

The easy route is to give the rich, i.e., the Downtown Berkeley Association, what they want, and let the courts sort it out later at the expense of the poorly funded legal clinics and advocacy groups forced in such moments to keep track of our civil and human rights.

But the very fact of Berkeley's history of repeatedly passing more and more restrictive laws targeting the poor proves that the laws are not doing any good in the first place, an irony noted by *Berkeley Daily Planet* editor Becky O'Malley, who reminded the council that repeatedly doing the same thing over and over while expecting different results is a well-known definition of insanity.

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the right to long-term, supportive housing as long as is needed."

The Scottish law applies not only to homeless people, but also to people living in intolerable conditions. It recognizes the right to sue for violations of the law, and an "individual right to sell one's house to the government to avoid foreclosure, but rent it back to allow one to maintain one's residence through financial difficulty, perhaps ultimately repurchasing the home."

Homelessness in Scotland has "largely been reduced to a rare and brief occurrence" because of this focus on immediate housing as a judicially enforceable right.

The "No Safe Place" report affirms the federal responsibility to promote and fund constructive alternatives in the United States, but advises local governments to simply eliminate anti-homeless laws that target the poor. The report suggests that cities which have discriminatory laws on their books be denied grants and investigated by the U.S. Department of Justice.

Cities often point to the criminalization laws being passed in cities down the road as an excuse for passing similar laws, afraid if they don't keep similarly repressive laws on their own books they will end up with the financial burden of caring for the people in need in an entire county or region. But the proliferation of homeless laws nationwide has shredded this argument to ribbons.

"No Safe Place" concludes: "Instead of relying upon ineffective, expensive, and potentially illegal criminalization laws to address homelessness, communities should pursue constructive alternatives. Most importantly, federal, state, and local governments should invest in affordable housing at the level necessary to prevent and end homelessness."

This report is exactly what a politician pressured to pass another hate law targeted at poor and homeless people needs. No politician can be faulted for objecting to a policy that is ineffective, expensive, and guaranteed to extend the life of the problem it is trying to address.

Criminalization of poverty is, of course, immoral in this, the richest country on earth. But the clear delineation of its sheer ineffectuality in this report is what may help finally change the politics of homelessness.

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attorney dismissed the case against the two homeless men charged with battery.

The senseless beating confirmed the dire warnings that scores of concerned citizens had made to the City Council at the council meeting on March 17, only two days prior to the assault.

For the past few years, the Berkeley City Council has allowed a private force, the Downtown Berkeley Association's ambassadors, hired by Block-to-Block, to patrol the streets and keep homeless people under surveillance. On March 17, the City Council went one step beyond, by passing a sweeping battery of anti-homeless measures in a backroom deal to placate CEO John Caner and the DBA.

The City Council ignored the testimony of nearly 100 homeless people, advocates, attorneys and university professors who told the council that the draconian anti-homeless measures championed by the DBA's John Caner and supported by Berkeley Mayor Tom Bates and City Councilmember Linda Maio, were inhumane and would lead to a state of siege for homeless people on the streets.

The mayor and the council completely disregarded the warnings from a broad cross-section of citizens and passed the anti-homeless measures by a vote of 6 to 3. In doing so, they essentially abandoned their responsibility to uphold basic human rights for all citizens.

Two days later, in fulfillment of the urgent warnings voiced by homeless advocates that Caner and the Downtown Berkeley Association were acting in wanton disregard of human rights, James Cockleareese was severely beaten by ambassadors employed by the DBA.

UN Condemns Criminalization of Homelessness in U.S. Cities

Recently, the United Nations Human Rights Committee in Geneva condemned the criminalization of homelessness in the United States as "cruel, inhuman and degrading treatment" that violates international human rights treaty obligations.

"I'm just simply baffled by the idea that people can be without shelter in a country, and then be treated as criminals for being without shelter," said Sir Nigel Rodley, Chairperson of the U.N. Human Rights Committee.

The U.N. Human Rights Committee called on the U.S. government to "engage with state and local authorities to abolish criminalization of homelessness laws and policies at state and local levels."

I read that statement by the U.N. Human Rights Committee to the City Council on March 17 and warned them that Berkeley was making itself a pariah city by renouncing the principles of human rights and international law and voting for the anti-homeless measures.

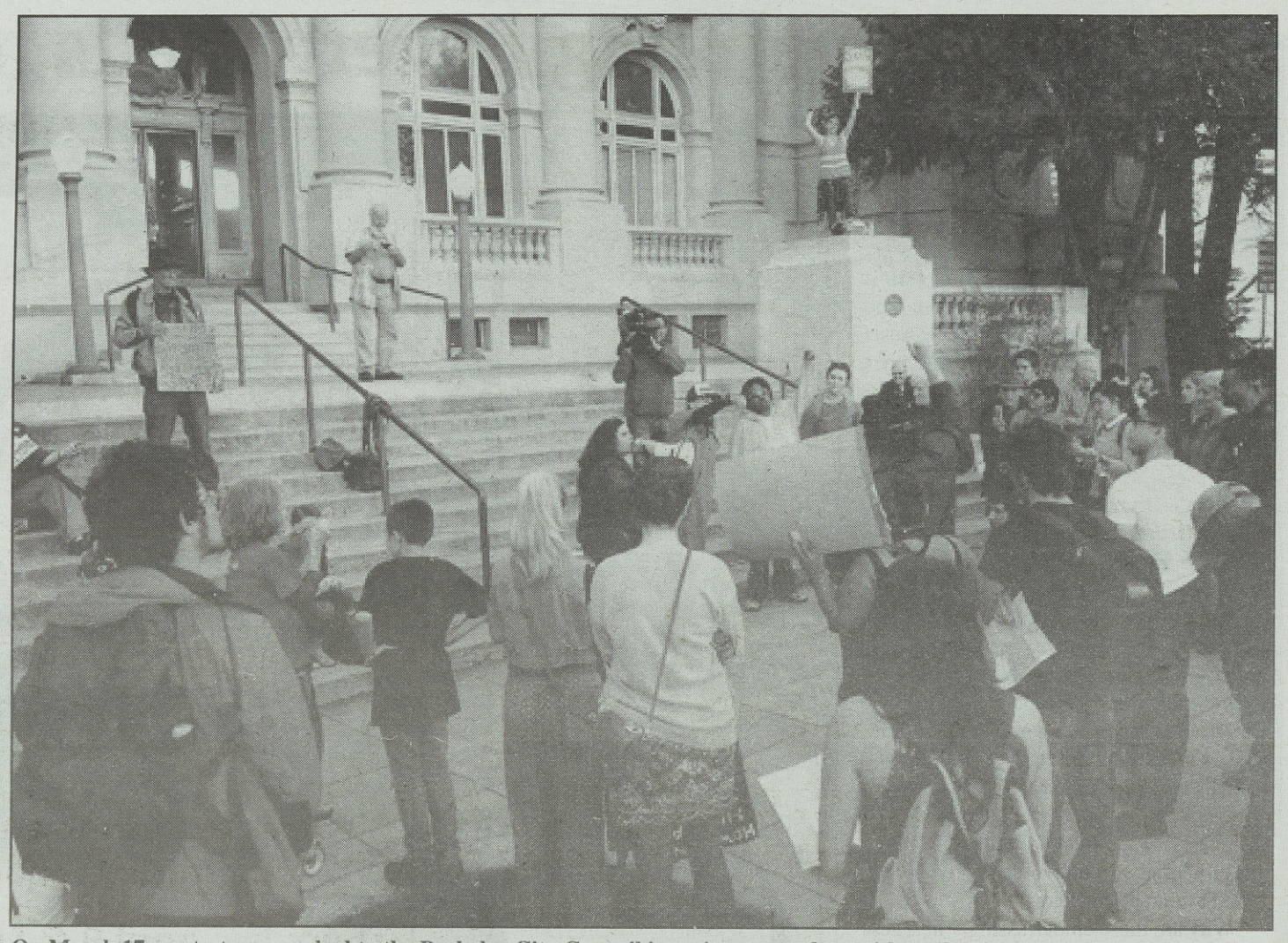
But it took the savage beating of a defenseless homeless man on the streets of Berkeley to reveal the human costs of empowering corporate business owners to create their own private patrols to confront homeless people on the streets.

Extrajudicial Mercenaries

The checks and balances of a democracy are gone, and the DBA "Ambassadors" have become an extrajudicial force of mercenaries hired by big business to patrol the streets. This has no place in a democracy.

On March 27, homeless people held a demonstration and press conference near the offices of the Downtown Berkeley Association on Shattuck Avenue.

Sally Hindman, executive director of Youth Spirit Artworks, said, "Ninja Kitty, a homeless man, was amazingly articulate at the homeless-led demonstration."



On March 17, protesters marched to the Berkeley City Council in resistance to the anti-homeless laws. Sarah Menefee photo

It took the savage beating of a defenseless homeless man on the streets of Berkeley to reveal the human costs of empowering corporate business owners to create their own private patrols to confront homeless people on the streets.

David Teague, also known as Ninja Kitty, described the repression that homeless people have experienced at the hands of DBA ambassadors.

"John Caner of the DBA says that this is contrary to his organization's goals," he said. "But part of the ambassadors' job is to intimidate homeless people off of Shattuck Avenue. People are only intimidated if the violence is sometimes real. This brutality is a part of what the DBA does. This isn't the first time that ambassadors have assaulted homeless people — it's just the first time it's been caught so well on camera."

Homeless people have warned that the ambassadors and the police work hand in hand. Some call it collaboration, and others call it collusion.

Osha Neumann, an attorney who has defended the rights of homeless people in court for many years, warned that this assault was not simply an isolated incident, but part of a pattern of "criminalization and brutality against homeless people" carried out by the Downtown Berkeley Association.

Neumann said in a public statement, "When the DBA pushes for criminalization, police and ambassadors feel pressured to use force to push homeless citizens out of public spaces. We don't want to see just the one guy who got caught fired: We want the DBA to end its campaign of criminalization and brutality against homeless people."

The DBA Versus Democracy

It is nothing short of surreal that a private force hired by an association of business owners would come to have so much power in an electoral democracy, especially in a city that prides itself on its commitment to diversity and human rights.

Yet the wealthy realtors, developers and big business owners of the Downtown Berkeley Association are now "the powers that be" on the streets of Berkeley.

John Caner, the CEO of the DBA, was the campaign manager of the Measure S Campaign in 2012, an anti-homeless ballot initiative that attempted to criminalize sitting. Measure S was defeated by Berkeley voters. Caner's attempt to undermine the electoral process was exposed during the struggle over Measure S.

Caner admitted in a letter dated Sept. 19, 2013, to Berkeley's Fair Campaign Practices Commission that shortly before the 2012 election, he handed out more than $5,530 in $100 and $50 cash payments to more than 50 "poll workers," many of them homeless and formerly homeless clients of Options Recovery Services, to distribute misleading fliers in support of Measure S near polling places.

At the time, Patricia Wall, executive director of the Homeless Action Center in Berkeley, said that the Fair Campaign Practices Commission decided to investigate the Yes On S campaign "because John Caner admitted to paying 52 homeless people in cash on election day to campaign against themselves."

Many of the homeless people hired by Caner were never told that they were assisting an anti-homeless ballot initiative. They had no idea that they were working to criminalize their own lives and actions.

Berkeley City Councilmember Jesse Arreguin had said of Caner's violations: "It's outrageous. You're paying people to take their rights away. It's unacceptable."

It is also unacceptable that Mayor Bates and the City Council would betray the will of Berkeley voters in the 2012 election by passing the new anti-homeless measures championed by Caner and the DBA. The DBA lost the public election, yet it won the vote of the City Council.

Big business trumps the democratic process in Berkeley.

A Who's Who of Big Business

It is very revealing to look at the powerful corporate figures behind the scene who set the agenda, overturn election results, change the laws to serve their own interests, and send out private mercenaries that control the downtown streets.

A few of the DBA board of directors come from local agencies or businesses such as the Berkeley Repertory Theater, Berkeley Art Museum, Comal restaurant and Pegasus Books. Yet the most powerful elements of the DBA board are the big business owners, hotel owners, real estate developers, investors and realtors. The Downtown Berkeley Association is run by wealthy, powerful business owners who contribute to electoral campaigns and pull the strings at the City Council.

The DBA board of directors make up a virtual Who's Who of big business. These are not the kindly proprietors of mom-and-pop grocery stores. These are the corporate powers who constitute a shadow government that has the power to convince the City Council to reverse the vote of its own citizens, do an end-run to avoid all the city commissions, and pass the same kind of anti-homeless laws that citizens already have voted against.

Let's take a closer look at the propertied class that wants to make life so miserable for the propertyless class.

Hotel Owners Versus the Poor

In many cities, the owners of luxury hotels are some of the most powerful members of Business Improvement Districts, and they take aggressive action to "economically cleanse" the commercial districts by banishing homeless people so they can attract upper-class tourists.

It may be an understandable maneuver by corporate business owners to increase their profits, but it is anathema in a democracy to eliminate poor people for the comfort of the affluent.

DBA Treasurer Perry Patel is a partner in the giant real estate development firm BPR Properties, and owns and manages its massive holdings with other members of the Patel family. Perry Patel is the owner of the luxurious Hotel Shattuck Plaza near the UC Berkeley campus, among his many other properties.

BPR Properties bought the Hotel Shattuck Plaza for a huge, but undisclosed sum in 2009, and then spent an additional $10 million to renovate the upscale hotel. With its 199 rooms priced at more than $200 per night, crimson chandeliers, and first-class restaurant, accommodations at the Hotel Shattuck are, shall we say, a step up from the conditions in most of

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Berkeley's shelters for the homeless people targeted by the DBA for removal from commercial districts.

GAMING THE SYSTEM

DBA Board Member Bill Shrader represents The Austin Group, an investment company based in Alamo, and the developer of the eight-story "StoneFire" building that is scheduled to be developed at 1974 University Avenue in Berkeley.

Berkeley City Councilmember Jesse Arreguin has expressed serious concerns about the height of the StoneFire building, and the way Shrader has manipulated the regulations around affordable housing, as reported by G. Haley Massara in the *Daily Cal* on Sept. 2, 2014.

Berkeley's Downtown Area Plan requires buildings that are more than 75 feet tall to offer "significant community benefits" — including low-income housing. The eight-story StoneFire building will only provide a paltry eight affordable units — the bare minimum needed to qualify for a density bonus that allows more market-rate units to be built.

Arreguin said, "The developer, by using the density bonus, was able to game the system to gain the additional (building) height without providing community benefits." Arreguin called the number of low-income units "absurd."

In other words, DBA Board Member Bill Shrader of the Austin Group cynically manipulates the law to gain the maximum profits by providing an absurdly low level of affordable housing, while the Downtown Berkeley Association wants to criminalize and banish homeless people who are left out on the streets by the merciless tactics of big-time developers on the DBA board who avoid any social responsibility to build affordable housing.

MASS EVICTIONS FOR PROFIT

An even more outrageous example is DBA Board Member John Hyjer, the First Vice President of Investments at Equity Residential, a mammoth corporate juggernaut based in Chicago that owns apartments in 15 states and is one of the Bay Area's largest residential developers.

One recent example of the massive size of this corporate developer occurred in 2013, when Equity Residential paid $16 billion to buy out the Archstone real estate firm. In that one deal alone, Equity increased their corporate ownership by more than 23,000 high-end housing units in the nation, adding 4,800 more housing units in the Bay Area alone.

This was very bad news for the Bay Area. Why? Let's look at the corporate misconduct of this giant developer. In 2011, Equity Residential bought 1,800 housing units in East Palo Alto, nearly half the rental housing in the city, and quickly filed a staggering 706 eviction notices in a six-month period from January to June 2012. Hundreds of low-income families were warned that they would be given only three days to pay rent before they would be evicted.

When East Palo Alto's rent board made the shocking numbers of evictions public, Equity simply stopped publicly reporting eviction notices, concealing their plans to drive hundreds of people out of their homes. John Hyjer, a major mover and shaker of Equity Residential, claimed that Equity "was not required by law to notify the city of three-day eviction notices."

DBA Board Member Hyjer has made a strong bid to become the Bay Area's most inhumane corporate landlord. Yet Hyjer and Equity Residential then engaged in an even more outrageous act of corporate disregard for the tenants they had threatened with evictions. After East Palo Alto voters passed the Eviction for Good Cause Ordinance to protect tenants from unreasonable rent increases and from "arbitrary, discriminatory or retaliatory evictions," Equity Residential challenged the proposals as an oppressive burden on apartment owners and landlords.

Palo Alto affordable housing advocates charged Equity Residential with a scheme of eviction for profit, trying to displace hundreds of tenants in order to increase rents by "making life miserable for long-term tenants," according to affordable housing advocate William Webster.

Equity Residential was also heavily criticized by San Francisco tenant activists for building ever more luxurious, high-cost housing units in the city, while ignoring the desperate need for affordable housing for low-income people.

THE ECONOMIC POWERS THAT BE

This is the kind of bad company that the Berkeley City Council keeps when it votes in favor of the Downtown Berkeley Association's draconian measures to criminalize homeless people. They are following the lead — or slavishly obeying the dictates — of corporate landlords such as Equity Residential which send eviction notices to hundreds of low-income tenants and then have the audacity to fight a law that would provide relocation benefits to displaced tenants in East Palo Alto.

How can the Berkeley mayor and City Council simply ignore these cases of egregious corporate misconduct? This is as comprehensive an assault on low-income people as has ever been formulated.

Connect the dots. John Hyjer, the First Vice President of Investments at Equity Residential, sits on the board of the Downtown Berkeley Association as it tries to criminalize homeless people. At the same time, Hyjer is the corporate spokesperson for Equity Residential as it heartlessly files hundreds of eviction notices in East Palo Alto and then opposes relocation benefits for the evicted victims.

Another corporate entity represented on the DBA board is Laksh Lakireddy, the president of Everest Properties, a real estate firm that owns many apartments near the UC Berkeley campus. Simply take a look at the Yelp reviews of the abysmal and squalid conditions reported at Everest Properties, and then ask yourself if this property owner should ever be a moral arbiter for homeless people in Berkeley. While you're at it, google the past owner of Everest Properties, Lakireddy Balireddy and his sons, and you will be reminded of one of the most horrifying human trafficking scandals in recent Berkeley history.

Ito Ripsteen of Vine Street Investments is a realtor, lender, broker and property owner of retail, office and rental properties in the Bay Area. His touching, self-written, rags-to-riches story informs us that his parents purchased a rental property for him when he was in grammar school, and from those humble beginnings he now manages a portfolio that "includes retail, office and multifamily properties."

What an inspiring Horatio Alger story that he could succeed as a realtor even though he had to wait until elementary school before owning his first rental property. Somehow this grade-school landlord beat all the odds and prospered. Maybe it's true that even an underdog can make it big in America. And his su ess story has made him quite the financial philosopher.

On the Vine Street Investments web page, Ripsteen writes, "I have told myself there are two main criteria when exploring a real estate opportunity: It has to make money, and it has to be fun."

Reading those words, I couldn't help wondering how much "fun" James Cocklereese was having on Berkeley's real estate when the DBA ambassadors were beating him senseless in the name of better business opportunities for DBA board members.

Ripsteen now owns several properties on Telegraph Avenue in Berkeley. The *Contra Costa Times* reported on October 1, 2014, that Ripsteen had purchased the corner building on 2499 Telegraph Avenue which houses Shakespeare & Co. Books and three other businesses.

The *Times* reported, "One certainty is that Ripsteen intends to be part of a broad effort to revitalize Telegraph Avenue. He stressed that the street needs to be clean, safe and attractive to attract a wide variety of shoppers and businesses."

"Clean, safe and attractive." Roughly translated into English from the universal language of property owners, that usually means: "homeless go home."

SEGREGATION AND DISCRIMINATION

The bottom line is that laws that banish homeless people are the modern embodiment of the segregation laws of the Deep South and the anti-Okie laws that discriminated against poor families fleeing the Dust Bowl.

Most members of the Berkeley City Council would like to believe that they are on the right side of these historic struggles between civil rights and segregation laws. The truth is that it is always easier to celebrate the civil rights activists of the past who challenged discriminatory laws in Alabama and Mississippi in the 1950s and 1960s.

It is far harder to take a courageous and principled stand for human rights in your own era, especially when homeless people are now the despised minority.

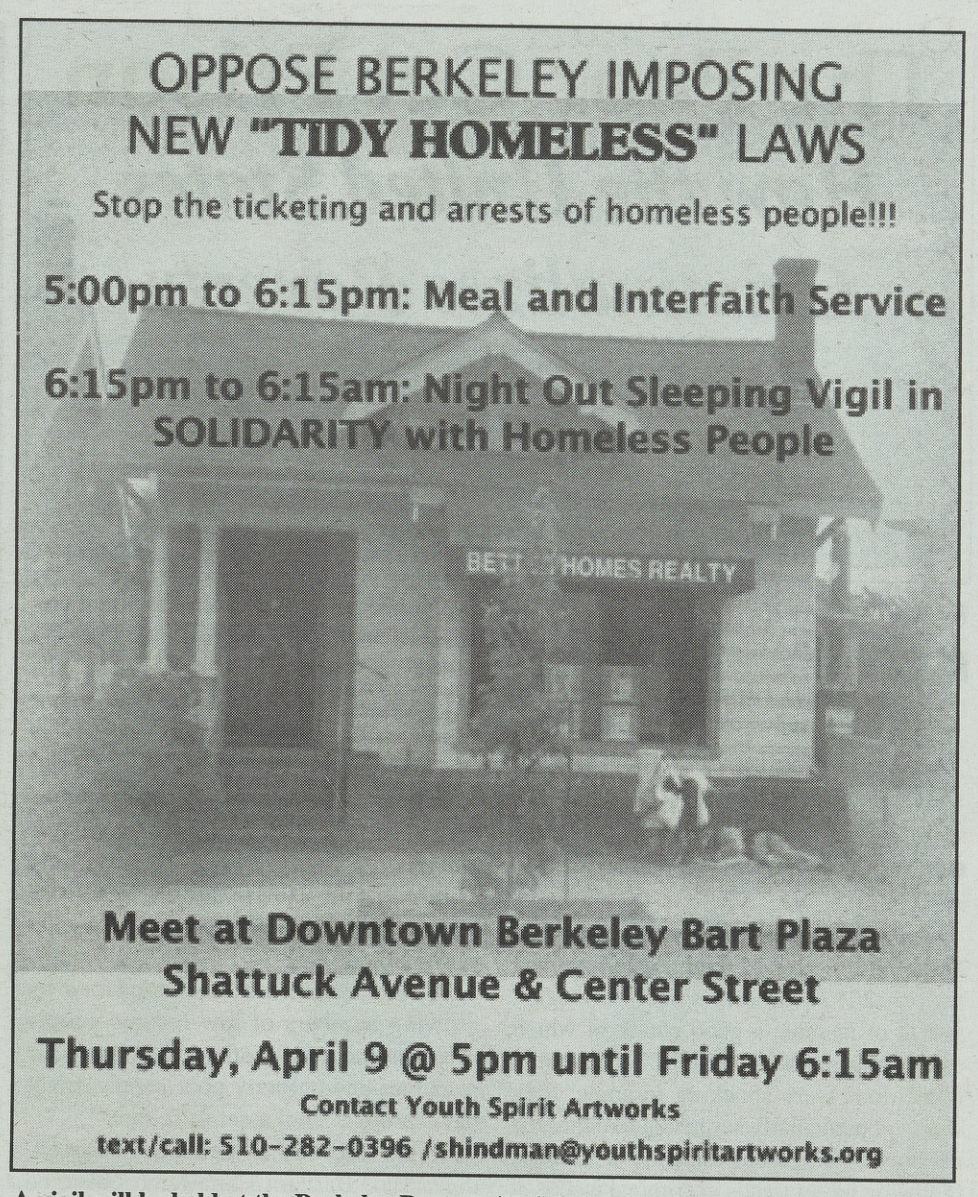
So Berkeley's mayor and City Council can go on celebrating civil rights movements of the past, even while voting for segregation laws that discriminate against the modern era's persecuted minority.

It may be hard for Berkeley officials to understand that the anti-homeless laws they vote for are identical in spirit and intent to the past discriminatory laws of Selma, Alabama, and Jackson, Mississippi.

Yet, even as the Berkeley City Council was passing these anti-homeless measures, the UC Berkeley Policy Advocacy Clinic made it all very clear in their report, "California's New Vagrancy Laws."

UC Berkeley Law Professor Jeffrey Selbin, director of the UCB Policy Advocacy Clinic, said, "The first thing that stood out to us is that anti-homeless laws today and the vagrancy laws of prior eras — restrictions like anti-Okie laws, the Sundown Towns and Ugly Laws that explicitly discriminated against migrants, people of color and people with physical disabilities — have come back and they've come back with a vengeance. They are designed to keep people out, to push people out."

Since Berkeley is committed to changing its identity by voting for these discriminatory laws, it might as well go all the way and change its name to Selma, Alabama. It has already changed its laws and discarded its conscience.



A vigil will be held at the Berkeley Bart on April 9 to protest the anti-homeless laws.

Street Spirit

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The Poor Get Prison

How the United States Criminalizes Poverty

A democratic society that purports "freedom and justice for all" can't coexist with one that profiles, criminalizes and blames poor, black and Latino communities.

by Bill Berkowitz

The U.S. Justice Department's recent report on Ferguson, Missouri's criminal justice system pointed out that African Americans were specifically targeted, seen "less as constituents to be protected than as potential offenders and sources of revenue."

An NPR investigation found that Ferguson collected $2.6 million in fines and fees in 2013, the city's second largest source of income, a good chunk of which came from minor infractions. While these revelations were shocking to some, they were not particularly surprising to either the majority of Ferguson residents, or to those following recent trends in criminal justice.

Bilking the poor has ushered in an era of offender-financed criminal justice services, a phenomenon that has become a toxic lifeline for many local governments. It has also spurred the growth of private companies whose bottom lines are forged by providing probation services and operating jails and prisons.

Being poor in America has never been easy. Since the advent of poverty programs, stigmatizing poor people — particularly people of color — has been a major item in the playbook of conservative politicians. These days, however, the actions of local governments are making being poor that much more difficult.

According to a new Institute for Policy Studies (IPS) report titled, "The Poor Get Prison: The Alarming Spread of the Criminalization of Poverty," "Poor people, especially people of color, face a far greater risk of being fined, arrested, and even incarcerated for minor offenses than other Americans."

"A broken taillight, an unpaid parking ticket, a minor drug offense, sitting on a sidewalk, or sleeping in a park can all result in jail time," Karen Dolan, an IPS Fellow who directs its Criminalization of Poverty Project, and the lead author of the report, and co-author Jodi L. Carr, a research associate at IPS, point out.

"The Poor Get Prison" looks at "new and growing trends [that] increase this criminalization of being poor, [trends] that affect or will affect hundreds of millions of Americans."

The report deals with several "key elements" that have resulted in increased police harassment, fines, prosecution, and incarceration of poor people.

The report documents "the targeting of poor people with fines and fees for misdemeanors, and the resurgence of debtors' prisons — the imprisonment of people unable to pay debts resulting from the increase in fines and fees."

Another key element helped give the IPS report its title, "The Poor Get Prison," namely, "mass incarceration of poor ethnic minorities for nonviolent offenses, and the barriers to employment and re-entry into society once they have served their sentences."

The report also found that the criminalization of poverty is a pattern that often begins in school-age youth with "excessive punishment of poor children that creates a 'school-to-prison pipeline.'"

The authors also document the increased incidence of what have become known as "status crimes" or "quality of life crimes" aimed at the visibly poor members of society, resulting in an "increase in arrests of homeless people and people feeding the homeless, and criminalizing life-sustaining activities such as sleeping in public when no shelter is available."

A final economic obstacle faced by growing numbers of low-income people involves the confiscation of "what little resources and property poor people might have through 'civil asset forfeiture.'"

In the foreword to the report, best-selling author Barbara Ehrenreich observed that while it seems that the "dialogue about poverty remains the same as it was in the early 1960s," in reality, "many things have changed in the last 50 years, some of them so recently as to have gone largely unnoticed by pundits and policy makers."

As local governments became more and more strapped for cash, they found a new and relatively simple way to bolster their budgets: They "increased the fees, fines and court costs they levied for minor transgressions, and at the same time, increased the number of possible misdemeanors to include truancy (for which parents can be punished), driving with an expired license (as is the case in Washington, D.C.), putting one's feet up on a subway seat (in New York City), and a variety of other minor infractions."

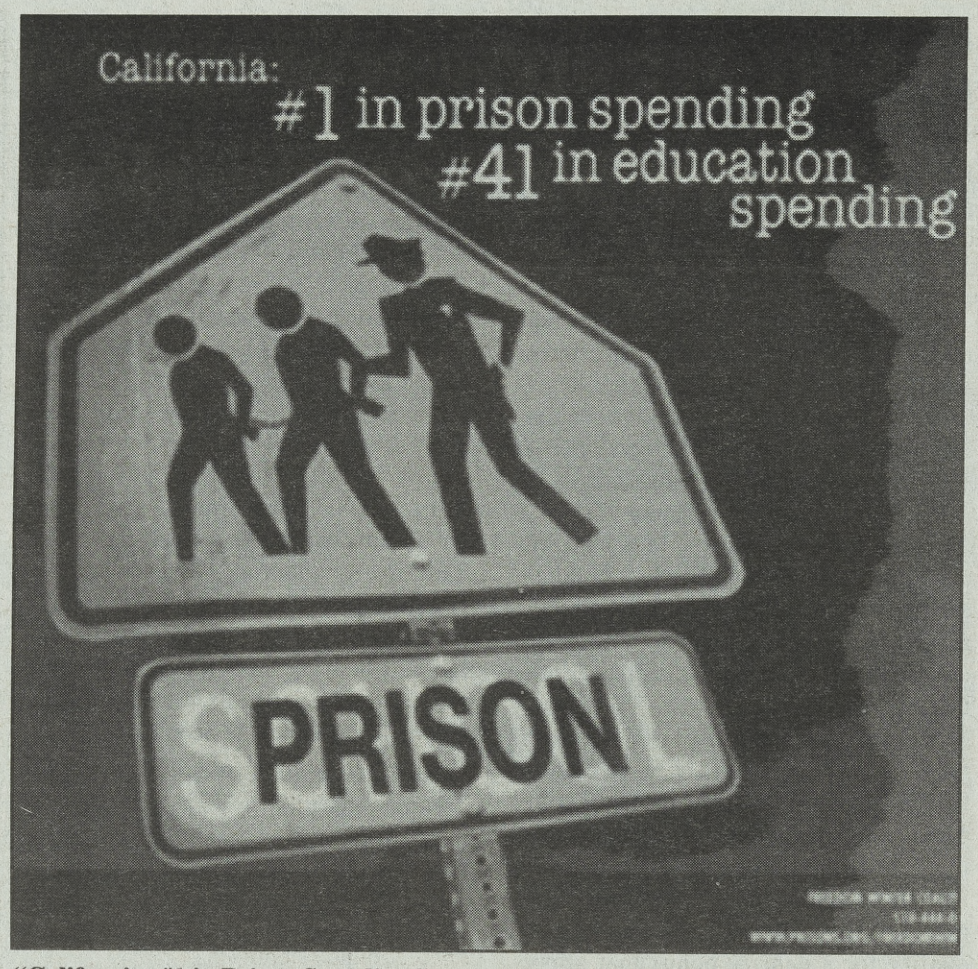
Ehrenreich noted that the new normal results in an unrelenting "cycle of poverty." "Poverty leads easily to criminal charges from unpaid debts, unrenewed licenses and the like. Criminal charges in turn lead to ever-mounting debt and, despite laws prohibiting debtors' prisons, to incarceration."

"The Poor Get Prison" points out that after decades of stigmatizing those receiving government assistance, "the 1990s brought aggressive state attacks on welfare recipients as they were increasingly investigated for fraud and other suspected criminal activities. The welfare system became a system of criminalization and punishment, rather than a program to assist needy families."

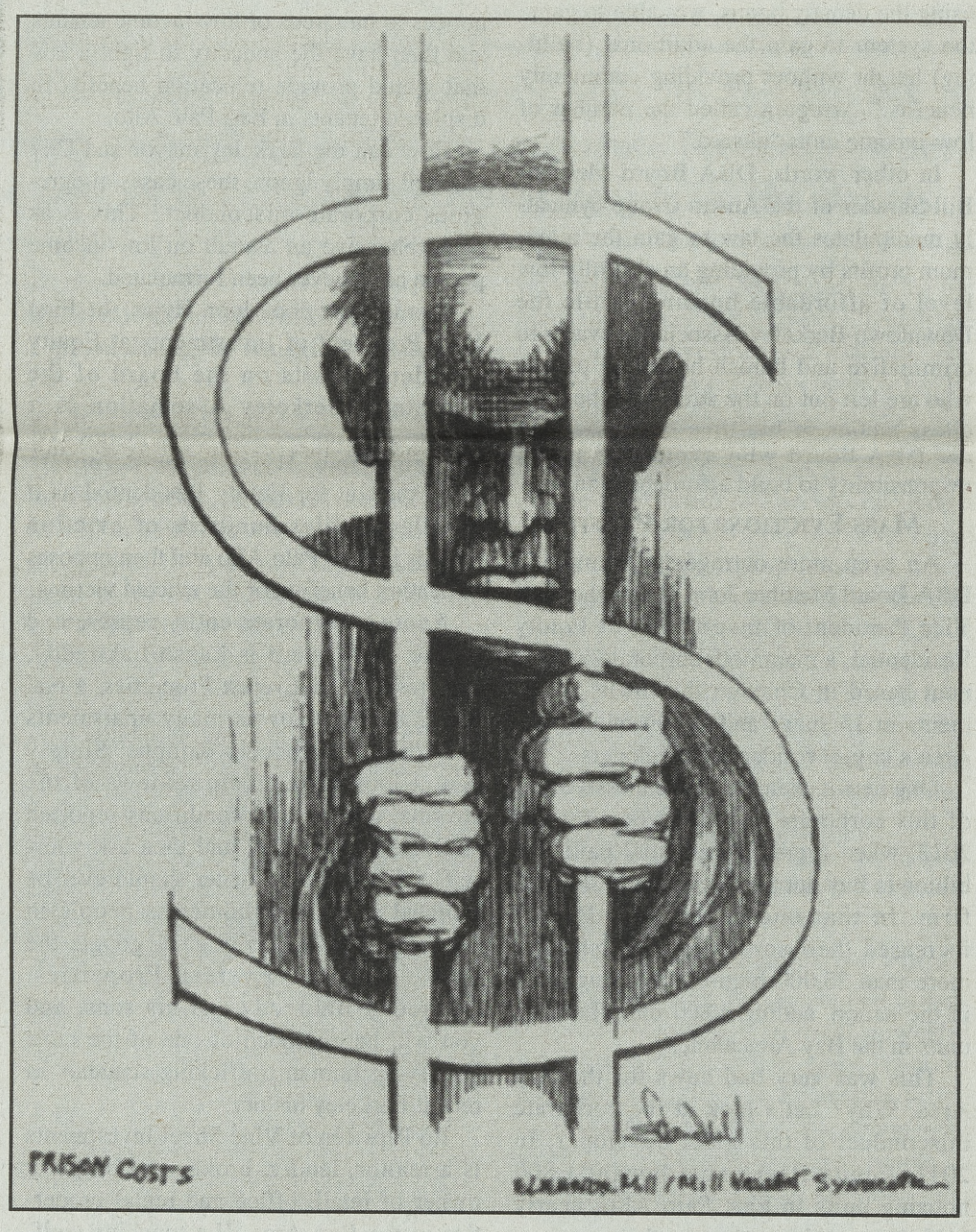
When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, it "ended federal cash aid programs and replaced them with time-limited, restrictive, state block-grants. New punishable behaviors were mandated and policed, all but erasing the already tenuous line between the welfare and criminal justice systems."

Welfare applicants were scrutinized like never before: "many applicants are photographed, finger-printed, drug-tested, interrogated, and asked to prove paternity of children."

"This form of criminalizing poverty — racial profiling and targeting of poor black and Latina single mothers trying to access public assistance — is a relatively familiar reality."



"California: #1 in Prison Spending." Credit: Critical Resistance, from the Archives of Center for the Study of Political Graphics



"Prison Costs" Art by Eleanor Mill. Reprinted by permission of Mills NewsArt Syndicate

The report examines, and makes a series of recommendations, covering such issues as the re-emergence of twenty-first century debtors' prisons; the barriers those who are arrested and convicted face when they return to society, barriers that "make employment, access to mental health services, housing, childcare, and even access to food assistance prohibitive;" how private companies are profiting from the criminalization of poverty; the school-to-prison pipeline; the criminalization of homelessness; and, the "little-known but widespread practice called Civil Asset Forfeiture [which] .... law enforcement officials use ... to confiscate property that they assert has been involved in certain criminal activity — even if the owner of the property is innocent."

In the current political climate, I am not sure that anyone really expects many of the recommendations laid out in the report to be implemented. Nevertheless, those recommendations begin to provide a roadmap for dealing with these issues.

Despite the toxic and growing phenomenon of criminalizing poverty, the report's authors are hopeful that the movement "sparked" by the events in Ferguson and elsewhere, will continue to evolve into "the next civil rights movement"

"A democratic society that purports 'freedom and justice for all' can't coexist with one that profiles, criminalizes and blames poor, black and Latino communities. We need to take collective responsibility for our hostile nation where the poor get prison."

Bill Berkowitz is an investigative reporter who writes for BuzzFlash and TruthOut.

Kafka in Santa Cruz

In a city where sleep is a crime, a jail cell awaits all those who slumber and dream.

by Linda Lemaster

Remembering a sunny day in Santa Cruz in 2012, I found myself walking briskly with a dozen other allies and supporters, following Gary Johnson outside the courtroom, fresh from a trial where he was found guilty of sleeping, again.

Johnson headed for the nearby jailhouse. Trailing him from the courthouse plaza, we passed within a few car-lengths of the scene of his "sleep crime."

Someone pointed out the singular stout bench where Gary had not been permitted to rest. And now he would serve a jail sentence for that crime of being caught asleep in the city of Santa Cruz at night.

Gary Johnson was one of thousands of people experiencing homelessness outside when the county sheriffs came with a single-minded intent to roust him.

This "criminal" has been smacked down repeatedly by The Law: ticketed and jailed and his dreams literally ripped off precisely because he was experiencing homelessness. He was being hit with both the state's lodging law, 647(e), and the City of Santa Cruz's anti-sleeping/anti-camping law, MC 6.36.

Laws used to prevent sleeping in Santa Cruz combine with the proliferating "behavior laws" designed at all levels of government specifically to banish and criminalize and impede homeless people. It works like a double whammy to effectively paralyze and destroy people — as if folks living on the street aren't already being harassed enough in their daily double-bind.

Johnson strode across Water Street and the two public lawns between the courthouse and jail. He turned himself in after Judge Mulligan ruled that he was "guilty" of sleeping in public, after having been told not to do it again by the same judge.

Earlier, I had seen the same judge putting Johnson's attorney Ed Frey in chains for attempting to suggest that His Honor might use a definition of "sleep" from a source other than rank personal prejudice. Judge Mulligan called it contempt.

So Gary Johnson approached the jail's makeshift entryway ("under construction"), tall and alert in his burgundy jersey. He grinned a bit, reminding me of his perseverance during the Peace Camp Vigil in 2010. He cheered up the harried booking clerk at her temporarily overcrowded desk.

The judge had insisted, "Go right over to jail." But when the staff finally got to Gary, nobody at the jail could find the right sentencing instructions. They told him to go away. He replied, "No thanks."

So we sang songs for the workers along with our "Free Gary" chants.

Right To Exist

Johnson was going to jail for six months because he had gotten a ticket for sleeping near the courthouse. This was near the beginning in his odyssey for the right to sleep. Perhaps we were merely a glimmer of solidarity preceding his plight with imprisonment. And we were there to bear witness.

Then came several more sleep tickets he got shortly after he was released from jail. More trial. More dickering, which he disliked. More guilty verdicts. An appeal and another appeal. Always less sleep.

And unlike most of us when reduced to the streets and curbs and wild things and vagaries of police enforcement, Johnson stood his ground. He didn't go hide like a rodent under the ivy or stow away in some stranger's parked car.

Two years in jail for sleeping

Now our sleep criminal himself hasn't been sighted in several years, but a few weeks ago, his attorney returned for a second appeal of four citations, four distinct moments of criminal sleeping. Longtime HUFF courtwatcher Becky Johnson (not related to Gary) said Santa Cruz Superior Court's appeal panel, Honorables Burdick, Guy and Salazar, sentenced Gary Johnson to two years in jail for four nights of being found sleeping.

Gary Johnson is not alone in having his sovereignty violated over and over by being deprived of his inherent and necessary right to sleep. Last year in Geneva, the Human Rights Committee of the United Nations condemned this rampant and growing criminalizing of homeless people here in the United States.

Calling it, "cruel, inhuman and degrading treatment," the UN Human Rights Committee said that using government laws this way violates international human rights treaty obligations, and they called upon our U.S. government to take corrective action. The UN Human Rights Committee statement was part of its Concluding Observations on reviewing U.S. government compliance with the International Covenant on Civil and Political Rights, a 1992 treaty.

Now the federal government is under pressure to rein in rampant local and state anti-homeless laws multiplying across the entire nation in towns and cities, colleges and public parks, whole shopping districts and cafe chains. These anti-homeless laws denounced by the United Nations exist in every state in the union.

Jennifer Friedenbach, director of San Francisco's Coalition on Homelessness, noted that California has by far the greatest abundance of anti-homeless laws in our country by every measure the United Nations uses. With the Right to Rest Campaign, homeless people and their friends, and anybody concerned about civil capacity building, and about justice, can help to bring this illegitimate growing dungeon of punitive and harmful laws into broader public focus.

And we don't have to wait for the Feds to start cleaning up. Bay Area civil rights attorney Osha Neumann recently took the lodging law to court for his five homeless clients. He went to court, in his words, "specifically to show that it is, I believe, unconstitutional. It is a blot on the legal code, and it should be stricken."

Vagrancy laws, loitering laws, and status crimes were deemed unconstitutional by the Supreme Court in the late 1960s. By continuing to selectively enforce the mother of this lodging law, California continues to defy the U.S. Supreme Court. Neumann spoke of 647(e) as "a contamination, a plague on homeless people."

"Its total and only use known is to criminalize people who are homeless for not doing anything. It is in essence an anti-homeless law."

Gary Johnson, wherever he is free — or not free — to sleep, shares his analyses, connecting the Right to Rest Campaign's SB 608 with California's archaic anti-lodging law 647(e) on his blog. (See PeaceCamp2010 insider.blogspot.com)

Advocates gather outside Santa Cruz jail and court to support homeless defendants.

The author, Linda Lemaster (*at right*), at a survey held by Project Homeless Connect.

Free and her dog launched a "slumber party" outside the Santa Cruz Post Office.

Johnson's blog states: "If past (California legislators') behavior is a reliable guide, SB 608 will probably be described as too expensive, and not allowed out of committee. Too expensive to protect the civil and human rights of a persecuted group by modification of 647(e)."

Johnson, his attorney Ed Frey, two other homeless people, and later myself, have been convicted for illegal lodging in Santa Cruz jury trials.

Johnson, the criminal sleeper, continues, "It would be more accurate to say the reversal of the blatant disregard for the civil and human rights of a group widely treated as less than human would be too expensive. A group that includes veterans that are placed in harm's way by draft-dodging politicians.

"To be expected, I suppose, given a government founded on the concept of some humans being created equal and some humans being considered 3/5 people and 2/5 property."

Will the Right to Rest Campaign, now being organized in three states, be able to help reverse these convictions, thereby saving a lot of people's lives and health while saving the state considerable court and incarceration expenses? Even more, will the People wake up to this totally illegal and rampant and expensive tragedy before it eats away at more families, even while realtors, developers and landlords push their gentrify-for-usury agenda?

Johnson's blog suggests that the lodging law — the same kind of discriminatory law which was once used to banish Black people, to criminalize Okies, and to chase hippies out of fountains and away from civic centers — could benefit from a rewrite in the legislature. But will lawmakers risk humiliation and worse by reprising the vagrancy law's history in public?

"If past behavior is a reliable guide," Johnson suggests, "SB 608 (Right to Rest) will probably be described as too expensive, and not allowed out of committee."

"Too expensive to protect the civil and human rights of a persecuted group by modification of 647(e). It would be more accurate to say it would be too expensive to recognize and respect those civil and human rights long denied."

STORIES FROM THE SUITCASE CLINIC

The Suitcase Clinic began when a group of UC students gave medical aid out of suitcases at the Berkeley Flea Market to homeless individuals.

Volunteers at the Suitcase Clinic offer footwashing and many kinds of free health care to homeless and low-income persons.

At the Suitcase Clinic, great value is placed on truly listening and being listened to, and it is in these dialogues of love and understanding that the heart of the Suitcase Clinic lies.

by Samantha Lew

It is a chilly Monday night in Berkeley, and the sun is just beginning to meander beneath the horizon. In front of St. Mark's Episcopal Church, there is already a group of young adults, some carrying instruments, one wearing a dress shirt, and another with textbooks and a backpack, waiting to be let in.

Upstairs, music is playing, an eclectic mix of anything from reggae to electronic dance music, and freshly cooked dinner, complete with smoothies and organic salads, is laid out buffet style. Some people are sitting down, eating and talking to one another, while others choose to sleep in the corners of the large room.

At one table, people are bent over, scribbling away, writing and sharing poetry, insights, and life musings at a writing workshop. Almost everyone there, from clients to volunteers, is under 25 years old. Suitcase Clinic gatherings are built on the principle of peer-to-peer outreach as a more effective way to serve homeless youth.

At 7:30 p.m. that same Monday night, a similar scene unfolds a few blocks away at the Dwight Way Women's Shelter, a 33-bed shelter that allows women to reserve a bed for 30 days. Inside the brightly lit shelter, women, children and volunteers chat together in an intimate setting, where tables and chairs are set up in the middle of the room between rows of beds. It is a time when the women can get their nails done, get a massage and obtain health supplies. The drop-in clinic is always filled to the brim with laughter and intimate conversations.

On Fridays, or as Suitcase Clinic calls them, "Fun Fridays," the shelter space is transformed into a venue for wellness-centered activities including journal-making, zumba sessions and self-defense lessons.

The following night, the First Presbyterian Church of Berkeley is bustling with people. In the upstairs area of the large auditorium, there is a flurry of activity. There is haircutting, hair washing, foot washing and people in line for basic necessities, such as hygiene essentials and clothing.

On the bottom floor, people sit and eat, some alone and some together, while others gather around a TV where a movie blares above the din of the room. There is a discussion session where people share personal stories, discuss current events, and engage in ways to end homelessness.

These are scenes from the three multi-service, drop-in clinics that the Suitcase Clinic runs each week: Youth Clinic, Women's Clinic and General Clinic. Structured around the principles of public health, social welfare, community activism and empathy, the Suitcase Clinic is a student-run clinic that offers free health and social services to underserved populations in Berkeley, most of whom are homeless.

All three clinics provide health services in some capacity, whether it is massage therapy, acupuncture, vaccinations, health education, optometry, osteopathic manipulative medicine or all of the above.

In addition, there are student volunteers that help connect individuals with housing and employment opportunities, legal aid, and other community resources.

Founded in 1989, the Suitcase Clinic began with a group of UC Berkeley-UCSF Joint Medical Program students who began dispensing medical aid at the Berkeley Flea Market to homeless and low-income individuals just out of their suitcases. It soon became apparent that strictly medical services were insufficient in improving the welfare of the homeless populations.

Due to this push for more holistic services, in 1990, the student volunteers secured the First Presbyterian Church for Tuesday nights and that became what is known as our General Clinic today. To this day, volunteers comprise the backbone of the Suitcase Clinic with over 130 UC Berkeley undergraduates and 16 UC Berkeley-UCSF Joint Medical Program students volunteering regularly each week, along with chiropractors, acupuncturists, masseuses, doctors, optometrists, lawyers and other professionals from a myriad of Bay Area organizations.

The Suitcase Clinic also strives to educate students, promote accessible healthcare, engage in community organization, and support public policy efforts that address homelessness and the needs of the underserved in the local community.

The Suitcase Clinic recently hosted the 7th Annual Poverty and Homelessness Symposium, a day-long conference to educate UC Berkeley students as well as the greater Berkeley community about issues of poverty and homelessness and how to take action.

One in-progress project is Art to Heart, which seeks to change perceptions of homelessness through various mediums of art created by clients. Most recently, Art to Heart launched a PhotoVoice project, where clients were given disposable cameras to take pictures of what they define as home and what they see every day in their communities.

The Suitcase Clinic is in the process of increasing its mental health services and will be putting on an event in early April in People's Park to distribute health kits and provide a space to foster community, facilitate discussion, and celebrate with one another.

Beyond the many services that the Suitcase Clinic provides, the foundation of the Suitcase Clinic is built on the idea of case working. More than anything, there is an emphasis on building real relationships and having conversations with our clients. The friendships forged between students and clients is seen in the meals shared outside of the clinic, in text messages, e-mails, and phone calls, in going over paperwork to try to get a housing application through, in running around to get a BART ticket so that a woman can get to her job interview.

Case working is the emphasis and value that is put on truly listening and being listened to, and it is in these dialogues of love and understanding that the heart of the Suitcase Clinic lies.

Berkeley Music and Arts Festival

The Suitcase Clinic is hosting the Berkeley Music Festival to cultivate dialogue and build community through music and art! The Suitcase Clinic will also create 240 health kits, which will include a sleeping bag, a first aid kit, a water bottle, and socks, among other essential hygiene supplies like razors and multivitamins. These kits will be distributed on April 11 from 12 to 5 p.m. in People's Park.

A Street Scribble

by Pierre Pardonmore

What you will probably see when you look at me is someone who loves people and weather, interaction, playing games, conversing, or just a simple hello.

The fact that I'm homeless. A lot of people won't take the time to sit and have that conversation, interaction or that simple hello. Because I do live on the streets.

Serving food is the same reaction. The food could smell and look amazing but, for the same odd reason, many hungry people will pass it by just because of the stigma of it. Either being served from the street or by someone homeless-looking. I find the results are usually the same.

When did society became so rich and we as a people became so poor?

General Clinic

First Presbyterian Church of Berkeley
2407 Dana Street
between Channing & Haste St.
Berkeley, CA 94704-2207

Tuesday 6:15 p.m. to 9 p.m.

Women's Clinic

Dwight Way Women's Shelter
2140 Dwight Way
between Fulton & Shattuck St.
Berkeley, CA 94704-2015

Monday 7:30 p.m. to 9 p.m.

Youth Clinic

St. Mark's Episcopal Church
2300 Bancroft Way
between Dana & Ellsworth St.
Berkeley, CA 94704-1604

Monday 6 p.m. to 9 p.m.

Building a Home

Eventually somebody displayed love and genuine compassion for me and treated me like a human being with God-given worth, and not just another lost boy clinging for dear life to the streets.

by Jessie Jones

Homelessness: the very title says it all. What is a home? Although the dictionary defines "home" as a house, apartment, or other shelter that is the usual residence of a person, family, or household, I think that definition only scratches the surface. To most people, "home" does not just signify the four walls described above. It's an idea that means much more than that.

When a person thinks about "home," they think of memories, a family living together in a like-minded way and working towards one common goal, holding each other in constant consideration. It's a place to love and be loved.

Unfortunately, as I said before, the very word "homelessness" says it all. For so many, the idea of being loved is so foreign and strange that when presented with authentic affection and consideration of their well-being, it's an instant trigger for either immediate disbelief leading to utmost gratitude, or suspicion and doubt leading to a naturally developed defense mechanism. For some, the privilege of "family" or "home" has been taken from them by a wide range of circumstances, whether physical abuse, drug abuse, poverty or any other of the million possible scenarios. With that said, the most common denominator I've seen in my experience is the lack of security and love that can only be developed from having a "home" — not a house, but a home.

I myself have been homeless in the past, first as a child living with my mother in battered women's shelters, and later as an adult living in my car, and bouncing from couch to couch. But now I have been blessed with the honor of working with those facing the same predicament.

My father was a drug addict early on in my life who later found recovery and reconciliation before his untimely death, and my mother was a hard-working, loving woman who just so happened to remarry a man who she thought she knew, but secretly was abusive.

In response to my environment, I faced a lot of personal obstacles like drug abuse, and I constantly searched for community and affiliation, due to the lack of reassurance in my identity that could only come from a healthy, established foundation within the family unit.

In search of a loving, yet appropriately authoritative father figure, I found gangs. They would show me an illusion of what family is, but again it was just a selfish mentality that said: "We'll love you, as long as you're contributing for us."

Loyalty and self-worth in that environment were only distributed so long as you were contributing, but I learned after years of trying to find an authentic family unit in that environment that it was just a mirage. It was nothing short of a clever disguise to attract young men like myself in search of acceptance, and it led to us being misled and used. After discovering my pursuit for acceptance was failing, I began to realize that looking for others to affirm my worth was in vain.

I was getting nowhere, and the feelings I had felt were not going anywhere. That's when my quest for a home took a long, dark turn for the worse, though at the time it didn't appear like it could get much worse than it already was.

I began to turn towards drugs, alcohol, and sex to mask the pain. I suppose the ideology at that point that I was clinging to for dear life was simply, "If I can't remove the problem, then why not just hide it?" It made more sense to suppress my feelings than to address them.

As a young man without a father to educate me properly on what I was feeling — and how to deal with those feelings — I was ignorant in how exactly I could even try. Much like the rest of the homeless population, or hurt people in general, I was not searching for a house to live in, or the four walls described in Webster's Dictionary, but I was in pursuit of a safe, loving environment we have defined as home.

All of this being said, redemption and growth only comes from trial and perseverance within. Eventually somebody in my past displayed love and genuine compassion for me and treated me like a human being with God-given worth and not just another lost boy clinging for dear life to the streets. I was rescued from the hell I was in and am now able to pull from my experience and gratitude and repay others with that same compassion.

When I was about 16 or 17 years old, with two children and no understanding of how to take care of myself, let alone them, a man with a similar background as my own took me into his house and his home and treated me with love and respect. He was a friend of a friend who I had never met before, whose first time meeting me was unique, to say the least.

I was hiding in a bush, down by a public marina pier, trying to avoid the police for something stupid I did, when he and a friend pulled up in their car and told me to come with them. This was the moment when life as I knew it was going to change. This man brought me into his house, introduced me to his family and called me brother! He fed me, he allowed me to sleep on his couch, and he bought me new shoes because mine were falling apart. He put me to work with him, paying me a fair wage for someone with no work experience at the time.

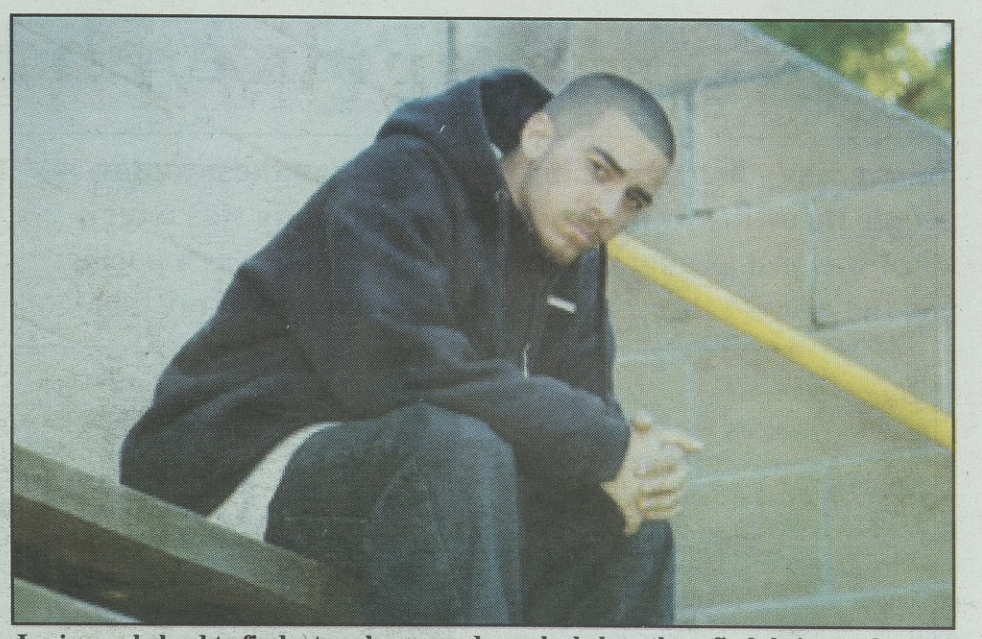
This man also facilitated a Christian 12-step program once a week that he would bring me to, where he told me and the others how God loved each of us so much that he sent his son Jesus Christ to die for our sins. That God not only forgives me, but he wanted to offer me acceptance, that he wanted to offer me a home. Not a house, but the home that I was so determined to find.

He told me that God saw worth in me and had a purpose for my life. This man is still my best friend and mentor to this day. The message he brought to me, the love he gave me, and the home he offered me changed the course of my life forever. He was the tool God used to save my life!

I have since gone back to school to earn degrees in theology, biology and behavioural psychology. I now facilitate my own Christian 12-step program every week and I have pastored multiple churches throughout the Bay Area working with drug-addicted and gang-related teens.

I've spoken in several high schools in front of thousands of students at a time, encouraging them to live out the purpose God has for their lives, and reminding them of the worth God has given to them.

I've worked for Alameda County and now Contra Costa County as a case worker, specifically for the homeless and drug-addicted teens and adults alike.



Jessie was helped to find a true home, and now he helps others find their way home.

My sons have helped me bring gifts to the poor on Christmas and meals to the homeless throughout the cold winter. They have hugged strangers and told them that not only God loves them, but that they love them, after offering prayer and a warm meal and blanket to sustain them for the night.

HOLIDAY HOME *Luke* 16: 25 **A homeless man finds no home in the wintry cold, in this scene reminiscent of Thomas Kinkade's art.** Painting by Jos Sances, 33" x 33"

I've been given the greatest gift you can receive from personal trials, and that is being able to use that experience to give someone else faith, joy, and motivation.

I've been blessed to travel throughout the country and to other countries delivering that same message of hope and redemption that was shared with me. I've been blessed to get to cry with strangers, laugh with strangers, share meals with strangers, endure cold nights with strangers, offer a helping hand, a listening ear, a loving heart, a warm smile, and the most precious currency we as people have to give — time out of my day to just say "how are you?"

I've been given the greatest gift you can receive from personal trials, and that is being able to use that experience to give someone else faith, joy, and motivation.

I've discovered that my life has its most significance when it is used to show another life its own significance. As rewarding as all of this now is, the greatest manifestation of this reward and the most defining ability I walked away with from my life experiences is that I've learned how to create the idea of "home" within my own four walls.

Because it was invested in me, I have learned how to offer my wife and two children love, affection, acceptance, trust, faith, and hope in the idea of family. And because of that, we have built a home.

But it doesn't stop there. My two sons, Bryson, nine years old, and Jayden, six years old, have assisted me in bringing gifts to the poor on Christmas and meals to the homeless throughout the cold winter. They've hugged strangers and told them that not only God loves them, but that they love them, after offering prayer and a warm meal and blanket to sustain them for the night.

We inhabit the four walls of my home, but it is God that the foundation of our home is built on. Because of what was done for me, I have been able to pass that on to my sons, and together we have not only sustained our home, but we are fighting together to expand our family and bring "Home" to others seeking to find it.

Jessie Jones is the supervisor for the YEAH shelter for homeless youth in Berkeley and a case worker at The Trinity Center, a homeless shelter in Walnut Creek.

The Poet, the Police, and the Spirit of the Sixties

"There was going to be a big demonstration the next day — people throwing things and stuff. Everybody was angry and I was just as angry as anybody else, but I was a pacifist and besides, if I threw anything, I'd probably hit my foot."

by Lydia Gans

Julia Vinograd, one of Berkeley's best-known poets, has been a familiar figure in the city for many years. She wears a long black dress, a cloth cap with a big tassel and a variety of buttons and beads. On the cover of her most recent book, *Cannibal Café, New & Selected Poems,* Julia wears a button on her cap that says, "Weird & Proud."

A prolific author, Vinograd carries with her a satchel filled with copies of her books of poetry and will sit at the Caffe Mediterraneum (known by all as the Med) on Telegraph Avenue or other well-traveled spots and offer copies of her books for sale to whoever passes by. At $5.00 each, no more than the price of a latte and a pastry, it's hard to refuse.

Vinograd produces a new book every few years. She has published 60 books of poetry and has been awarded a Poetry Lifetime Achievement Award by the City of Berkeley, as well as a Pushcart Prize for her poem, "The Young Men Who Died of AIDS." I bought my first book from her about 10 years ago and I was won over. Something in her poetry touched me. I have 12 of her books now.

I sat down with Julia at the Med the other day and told her that I love her poems. "Some people love them and some people hate them, not much in between," she said. Then, after a moment of reflection, she added, "Actually it's not even *some people hate it — it's a lot more complicated.* People who I've sort of badgered into buying a book to make me go away will look me up later, somewhat bewildered, and say, 'Are you sure this is poetry? I loved it and I hate poetry.'

"That's my main audience, people who hate poetry but love my stuff.... I think people have been brainwashed or browbeaten into thinking that poetry has to be too complicated for them to read it. All the critics tell them that. The critics basically tell them they can't read poetry without the critics' help and the critics are sort of snooty and incomprehensible themselves. So people decide they'd rather go without. Or else poetry has got to be like Hallmark cards."

With a few simple words, Vinograd can evoke smiles or tears, joy or sorrow. The reader understands on an emotional level, not necessarily an intellectual level.

"I don't write thoughts, I write feelings," she said. "Everything has more than one side. Sometimes you have to see the world and there's all kinds of things in it, and they're not all pretty. I'm not a journalist. You don't just report the bad things and you don't try and make it good. You try and walk through them." She doesn't scold. She speaks gently.

I picked up her latest book, *Cannibal Café,* and began to browse through it. In "Man Watering His Lawn," there is a sense of frustration, of despair. I can see him, and I feel sad for him.

Julia talks about what motivated her. "It's the unexpressed anger of very normal people who can't express it for themselves. He didn't even know what he was angry about. He could only water his lawn and fight back with heavy water."

Her poem, "America," is a powerful statement of where our nation is going wrong in so many ways. But it's not a rant, not even a lecture, just a reminder. She's telling us. "let's think about this."

In "The Housing Crisis," Vinograd pictures Barbie and Ken with nothing but a doll house to live in. A voodoo priestess appears and magically grows it into a real home. She furnishes it with all the necessities, including a barbecue and a chicken to grill on it — and completes the household with a pet cat!

A Christmas season poem, "Santa Claus and the Buddha" — just the title made me laugh. And a very Berkeley poem has the title, "An 11 Year Old Revolutionary With Purple Hair." I asked Julia about this poem. "It's real," she assures me. "Definitely happened. It's much too good to be made up."

The name Jerusalem occurs in the titles of many of her poems and carries a great deal of meaning for her. There are 11 in this latest book and she has made it the subject of poetry in many earlier volumes. "Jerusalem Plays Hide and Seek," Jerusalem at the Wailing Wall," "Jerusalem Watched Lovers," and "Jerusalem's Rival" are just a few in her latest book.

These poems are not political statements. Jerusalem is a beloved image, a concept too complex for words, a lamentation, a trail of tears, a holy land ripped by wars and covered in blood and flowers.

I asked her to explain. "A love affair," she says. Jerusalem is a beautiful woman. "The Lord and Jerusalem are in love" with all the turbulence, all the joys and all the pain that lovers experience. It is very complicated and I decide that readers will *bring their own religious or spiritual feelings or orientations to these poems.*

Much more can be said about her poetry, but it is time to talk about the sixties and how she was drawn into political action.

She recalls, "I was a student, going to classes. All of a sudden, the Free Speech thing started happening, and one minute I was just watching a crowd about to go into Sproul Hall, and the next moment I was going with them, having an argument with my feet, telling my feet to stay put — and they didn't listen to me."

I asked her if that's how she first got activated and galvanized by the rebellious spirit of the era. "Mostly I got bewildered, but it was fascinating," she explains. "It wasn't anything I'd expected." She described the experience of occupying the building and being harassed by the police in the middle of the night and having food brought in by movement supporters.

Vingorad graduated with a B.A. from the University of California at Berkeley and went to Iowa, graduating with a Master of Fine Arts from the University of Iowa. She came back to Berkeley in time to experience the creation of Peoples Park. Living across the street from the Park, she was there for all the action, even though she wasn't physically able to help with digging and planting.

When I asked her what she did, she said, "Peoples Park made me the Bubble Lady." She told me the story.

"There was going to be a big demonstration the next day. People throwing things and stuff. Everybody was really angry and I was just as angry as anybody else, but I was a pacifist and besides, if I threw anything, I'd probably hit my foot. So I decided that for just a day, and maybe one night, I'd go out and buy two bottles full of soap bubbles and blow bubbles. And that would be my form of protest.

"And now I have to tell you what happened, because it's an interesting story. I came feeling a combination of scared and silly and there were two young rookie cops guarding the Park. And when I announced what I was going to do, they pretty much shrugged. But they were bored and they saw me blowing bubbles and they said, 'Can we try?'

"I told myself, 'This is not happening.' But I gave each a bottle and they started having a contest! 'Mine's bigger than yours.' 'Yeah but look at mine go, it's the motion that counts.' I quote, I do not comment. And then there was a cop car with an older cop going around the street and he screeched to a halt. He saw his rookies blowing bubbles. I think he thought I'd dosed them — this was in the sixties.

Anyway, he stopped and demanded, 'What the hell.' And one of them offered him a bottle and he sort of snorted that he didn't play childish games. As he stalked off, the other one said, not lowering his voice that much, 'He's just scared because his would be too small to see.' I'm not making any of this up."

After Peoples Park, Julia didn't stop blowing bubbles. "I thought, if it will work on cops, it will work on anyone. So I took them to the street, blew them at musicians and little kids who loved them and started calling 'Bubble Lady, Bubble lady,' and at demonstrations because they seemed to be called for.... There were the Vietnam demonstrations. I turned up on those. And there was a big anti-apartheid demonstration. For those I went to campus."

Her Bubble Lady image is displayed on the huge mural painted in 1976 on the side of the building next to Peoples Park. She is pictured in a long black dress and cloth cap with a tassel, standing with her back to the street as she blows bubbles in the midst of the crowd of demonstrators.

She still occasionally blows bubbles. "I've gotten older. It hurts my feet to stand in one place long but I still do it from time to time. And I definitely made history. It was also fun and it was about the most I could give Peoples Park. I was a flop as a gardener and I couldn't run fast enough to be a demonstrator."

Vinograd continues to write, producing a new book every few years. She goes to poetry readings and open mikes to participate and listen to the work of other poets. And she sells her books to people who love poetry and to people who hate poetry.

See poetry by Julia Vinograd on page 13 of this issue of Street Spirit.

Julia Vinograd was in Berkeley during the seminal events of the '60s. Lydia Gans photo

Julia Vinograd blows bubbles in the Peoples Park mural in Berkeley. Lydia Gans photo

After Peoples Park, Julia didn't stop blowing bubbles. "I thought, if it will work on cops, it will work on anyone. So I took them to the street, blew them at musicians and little kids who loved them and started calling 'Bubble Lady!"

Phone Videos Document Repeated Police Attacks on Homeless People in Berkeley

Homelessness puts people in a category wherein they are presupposed to be criminals, and are subsequently at far greater risk when they take stands against police misconduct.

by Bob Offer-Westort

On February 10, Berkeley police arrested a woman known on the street as Mama Jude who was in the middle of a psychiatric crisis. Observers reported that she was walking around Shattuck Avenue screaming. Two officers grappled with her, forced her to the ground, kneeled and leaned on her knees to prevent her from getting back up, and instructed her to put her hands behind her back to be handcuffed.

"You could handcuff me in front, you could be nice," she objected. "I have fibromyalgia." They repeated their order, and she sobbed, "I'm unable! I have a degenerative joint disease, I can't put my arms like that!" (Fibromyalgia is not degenerative, but onset is usually recognized in adulthood, which can lead to that impression.)

She pled to onlookers, "They're hurting me." The woman lay prone crying for a moment, saying, "I didn't do anything..."

After this, the police officers forced her arms behind her back, and escorted her to the back of a squad car. One of the officers is alleged to have referred to her as a "drama queen."

We know all this in detail because a young man named Ninja Kitty was able to capture the entire incident on his smartphone. In 1991, when George Holliday captured the brutal Tasing and beating of Rodney King by four members of the Los Angeles Police Department, the recording of violent police encounters with the public was exceptional, rather than the norm.

One year earlier, in 1990, the first Copwatch group in the country was formed in Berkeley to document police harassment of homeless people on Telegraph Avenue. Similar groups were formed around the country, including out of the Coalition on Homelessness, the publisher of the *Street Sheet* newspaper in San Francisco.

The cost of video cameras and the poverty of people who have the most common contact with police meant that copwatching work required these specialized groups.

But a lot has changed in two decades. According to a 2014 Pew Research Center survey, 58 percent of adults in the United States own a smartphone. Many of the phones owned by the other 22 percent of cell-phone-carrying adults have cameras. The majority of adults in the United States are effectively carrying video cameras at all times.

The spread of the smartphone coincided with the growth of social networking. What was unusual about Rodney King's beating was, unfortunately, not that Los Angeles Police officers were beating a black man, but rather that it was captured on camera and broadcast through the country by national media.

Today, a week does not pass that police abuse of power somewhere in the country does not get captured on an Android or iPhone and spread throughout the world via Facebook.

Smart phones have created new ways to monitor police misconduct and the new media can broadcast it. Art by Tiffany Sankary

He is not cowed, and intends to continue protesting against the criminalization of homelessness in Berkeley. "I mean, what am I supposed to do? If the shelters are full and I got to sleep here, I got to sleep here. It can't be illegal for me to sleep. It just can't be. It's highly inhumane. I will fight it."

A 2012 Berkeley Police Department memo instructs officers to assume that their actions are being recorded any time that they interact with homeless youth.

For many Americans with greater privilege, this confluence of technologies has made it harder than ever to ignore longtime everyday realities of communities of color and mixed poor communities. For many people from oppressed communities, the spread of this documentation can have the effect of reducing isolation, and building community of struggle across great distances.

After recording this arrest in Berkeley, Ninja Kitty uploaded it to Facebook the same day. The video spread rapidly, getting shared hundreds of times within a couple days — not llamas on the lam in Arizona levels of fame, but quite a lot for people who follow politics and social justice in the small city of Berkeley.

That same day, February 10, was the date of a meeting of the Berkeley City Council, and Ninja Kitty and several other homeless people from downtown Berkeley marched to City Hall, and spoke out against police brutality at the meeting. Ninja Kitty got his recognition from the Berkeley Police Department the following morning, when he was awakened by a kick to the testicles by Officer David Marble.

Ninja Kitty sleeps on Shattuck Avenue in downtown Berkeley. He and those who stay near him reported continuous harassment by Berkeley cops over the following two weeks. This culminated in Ninja Kitty's arrest early in the morning of February 23 for violation of California Penal Code Section 647(e): public lodging. PC 647(e) is the standard state law that criminalizes homelessness. Berkeley's meager shelter system is full, which means that a large number of homeless people sleep on Shattuck Avenue and surrounding streets. But Berkeley police singled out Ninja Kitty for arrest. He does not doubt that the arrest was retribution, either for filming, for participation in the march and speakout at City Hall, or for both.

"The same officers [Marble and another, unidentified] woke me up at like 6:45, seven in the morning," he said, "around the time I normally wake up anyway, and they said that they were arresting me for lodging. So I sat up and put my hands behind my back and they helped me stand up."

After he was cuffed, the officers began searching his pockets, and at the same time twisting the handcuffs against his wrists. At this point, one of his companions began recording the arrest on her smartphone.

"As they were searching me," he said, "one of the officers started squeezing the handcuffs in between the bones of my hand and my wrist and I told him to quit doing that. 'It hurts!'"

In the video, the unidentified officer can be seen to twist his arm upward, to which Ninja Kitty objects, "Quit twisting the metal into my wrist!"

At this point, the officers began instructing Ninja Kitty to stop resisting arrest, "even though I was cooperating the whole time." While Ninja Kitty is vocal and loud in the video, his story seems backed up by film.

Following his arrest, Ninja Kitty was held at Santa Rita, the major Alameda County jail, until February 26. He reports being denied medical treatment both at Berkeley's holding facility and Santa Rita. On his release, he went to Highland Hospital in Oakland, where he was treated for a sprained wrist and elbow, and for nerve damage.

Ninja Kitty's situation is far from unique. Ramsey Orta was arrested following his recording of the murder of Eric Garner. Homelessness puts people in a category wherein — in ways with some similarities to people of color, people with mental illnesses, and transgender people — they are presupposed to be criminals, and are subsequently at far greater risk when they take stands against police misconduct.

Of course, general social attitudes and consequently police attitudes toward homelessness are not identical with attitudes and fears concerning race. Mama Jude, who is white, was fortunately not killed. Ninja Kitty, also white, is out of jail, though awaiting trial.

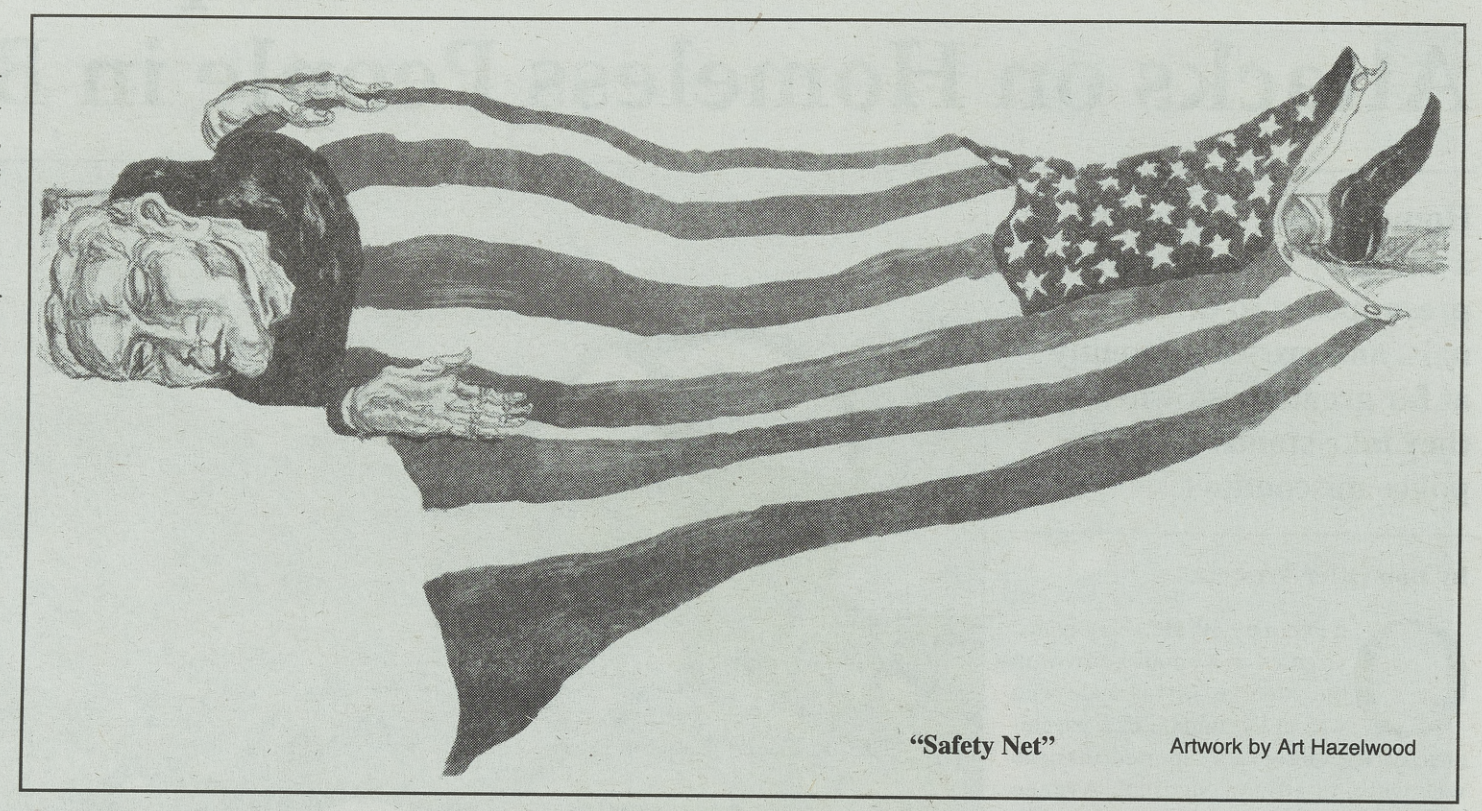
But sleeping outside means that people like Ninja Kitty are in a very specific way unsheltered from retribution. "This is all a response to me being politically active and standing up for rights," he said.

But he is not cowed, and intends to continue protesting against the criminalization of homelessness in Berkeley.

"I mean, what am I supposed to do? If the shelters are full and I got to sleep here, I got to sleep here. It can't be illegal for me to sleep. It just can't be. It's highly inhumane. I will fight it."

Republicans Cuts Harm the Hungry, Poor and Disabled

by Lynda Carson



"Safety Net" Artwork by Art Hazelwood

The Republicans are waging a federal budget-cutting assault on millions of people including veterans, union members, school children, the elderly, blind, disabled and poor people across the nation.

During the week of March 16, Republicans in control of the House of Representatives and the Senate released their disastrous budget proposals for Fiscal Year 2016 and beyond. The Senate Republican budget proposes $5.1 trillion in cuts from the federal budget over a ten-year period. The House Republican budget proposal calls for $5.6 trillion in cuts during the same period.

The House and Senate have to reconcile their differences, but any way you look at the massive federal budget-cutting proposals on the table, if passed into law they will have catastrophic consequences for the American public in the near future.

If approved by the full House and Senate, the massive budget reductions will amount to more than $500 billion in cuts per year to the federal government's domestic programs during the next ten years, which is totally counter to President Obama's recent budget proposals that would fund domestic programs in FY 2016.

In a deceptive maneuver, Republicans are trying to conceal from the public the details about which programs they plan to devastate with massive budget cuts. On March 18, the *Los Angeles Times* reported that Sen. Mike Enzi (R-Wyo.), the chairman of the Senate Budget Committee and one of the most conservative members of Congress, said, "You won't find specifics in what we've done, just limits."

Meanwhile, the U.S. House Budget Committee passed a massive spending plan that will result in around $613 billion going to the military in 2016, and the failed wars waged by the U.S. government. Additionally, the powerful Rules Committee is expected to amend the current plan with additional funding for the Pentagon before the full House votes on the plan. In total, the Republican plan amounts to $2 billion more than what President Obama proposed.

In essence, right-wing Republicans are totally open about their plans to fund the Pentagon and its failed wars with billions of dollars more in additional funding from the federal government. They are totally open about their plans to give massive tax breaks to the rich and wealthy corporations all across America.

However, they are concealing the details of their massive budget-cutting proposals that would devastate our nation's domestic programs. Republicans are afraid that there will be great concern if the details of their budget cuts were made public because their proposals will harm the lives of tens of millions of people all across the nation.

What many people across the nation do know is that the Republicans intend to terminate the Affordable Care Act (Obama Care). Republican extremists are also launching budget cuts on such programs as Medicaid, Medicare, the food stamp program, the Department of Housing and Urban Development's subsidized housing programs, including public housing, Section 8 program, and the Project-Based Voucher Program.

The Republicans are also attacking the Social Security Administration, including cuts of SSDI benefits for disabled Americans and people on SSI. The attack also extends to the public school system, teachers, union workers, block grants, and many other important domestic programs that assist cities across the nation, including veterans, children, the poor, the blind, elderly, and disabled.

Assault on Food Stamps

According to the U.S. Census Bureau's annual report on Families and Living Arrangements released on Jan. 28, 2015, the number of children receiving food stamps remains higher than it was before the so-called great recession in 2007.

The latest report reveals that the rate of children living with married parents who receive food stamps has doubled since 2007. In 2014, an estimated 16 million children, or about one in five, received food stamp assistance, compared with the roughly 9 million children, or one in eight, that received food stamp assistance before the great recession began.

With poverty levels at an all-time high in the Bay Area, and with one in five children currently receiving food stamp assistance across the nation, the Republicans are planning massive budget cuts to the Food Stamp program in FY 2016, and during the next five years.

None of the right-wing Republicans bothered to ask the hungry children in the Bay Area and all across the nation how they plan to survive once their food stamp assistance has been severely slashed by these massive budget cuts.

Housing Cutbacks

HUD subsidizes the Housing Choice Voucher Program (Section 8) and the Public Housing Program and federal sequestration budget cuts in recent years have harmed the Section 8 program deeply.

In response to massive budget cuts in recent years, the Oakland Housing Authority (OHA) has announced new policy changes for Section 8 voucher holders. Doing the best they can under the worst conditions due to ongoing federal budget cuts, the OHA has still managed to assist thousands of low-income households. Thousands of low-income households would become homeless if the OHA cut back or eliminated housing assistance.

However, during the week of March 16, thousands of Section 8 tenants in the Housing Choice Voucher Program were alarmed to receive two notices of policy changes made by the OHA. The OHA is a Moving to Work (MTW) demonstration housing authority, and MTW housing authorities do not have to abide by the normal federal rules and regulations that 3,300 other Public Housing Authorities have to abide by all across the nation. There are only around 35 MTW housing authorities nationwide. According to HUD's records, there are around 13,380 Section 8 households in Oakland.

One notice advises Section 8 tenants that, as an MTW housing authority, the OHA has recently made changes to their portability policy because some neighboring housing authorities may not be absorbing new voucher holders into their system that are transferring out of Oakland. The OHA would end up subsidizing Section 8 vouchers being used by Section 8 tenants who transferred from Oakland into cities that would not absorb the vouchers into their system, and the OHA does not want to do that.

As a result, the new policy restricts Oakland's Section 8 tenants from using their Section 8 vouchers to move to Alameda, Contra Costa County, San Francisco, Santa Clara, and Solano County because it may cost more to live in those areas than it does in Oakland. The OHA is not willing to subsidize the Section 8 voucher holders if they decide to move to those locations. The new policy goes into effect on July 1, 2015.

It appears that the OHA did not bother to ask Section 8 voucher holders in Oakland how they feel about losing their freedom to move to nearby cities with their vouchers, before deciding on the draconian policy change.

However, according to documents, the OHA recognizes that some households may need to move out of Oakland due to special circumstances and there are exceptions to the new policy. Section 8 tenants are being directed to contact a staff person in the Leased Housing Department of the OHA to discuss their options.

Also, in a separate notice, Section 8 tenants in Oakland have been advised that a change in the utility allowance policy is going into effect on August 1, 2015, that may result in tenants paying higher rents. The OHA is not limited to establishing a utility allowance schedule in accordance with HUD requirements because it is an MTW demonstration housing authority.

Tenants are being advised that the OHA is giving them a six-month notice before the new utility policy goes into effect that may result in Oakland's Section 8 tenants paying much higher rents than tenants in other jurisdictions.

The Housing Choice Voucher Program (Section 8) assists around 2.1 million households in the United States with their rents and utilities.

Massive Assault on SSDI

In the Bay Area, thousands of working-class, disabled people with Social Security Disability Insurance (SSDI) are threatened with a 20 percent cut to their insurance plan as a direct result of the right-wing attack on Social Security. Additionally, hundreds of millions of people all across the nation have paid into the Social Security program since its inception, and currently only about 11 to 12 million people are being assisted by SSDI who have paid into the system.

In January 2015, Republicans took control of the House and Senate. On day one of taking control of Congress, in a cunning move revealing their hatred of the working class, elderly and disabled, extreme far-right Republicans voted to block a simple financial transfer of Social Security funds from the old-age program to the disability program.

The disability program is projected to reach a shortfall in late 2016 because in earlier years too much money was placed into the old-age program that should have gone into the disability program. As a result, the money needs to be replaced.

These funds are desperately needed to keep the disability program active to serve the needs of the working class who have already paid tens of millions of dollars into the system, but are now disabled for one reason or another. This includes millions of people on Supplemental Security Income (SSI) who will be devastated if the funding transfer fails to occur.

According to the Center on Budget and Policy Priorities, the normal transfer of Social Security funds from one program to another has taken place at least 11 times since 1968, and was such a standard procedure that it was done four times during the Reagan administration. Reagan was a right-wing extremist while in office as president, but compared to the extreme right-wing Republicans now taking control of the House and Senate, Reagan has been left far behind.

Republicans did not ask the 11 million-plus disabled Americans how they plan to survive now that they are threatened with a 20 percent cut to their Social Security Disability Insurance (SSDI) plan, nor were the millions of people on SSI asked how they plan to survive the massive budget cuts they are presently facing.

The funding transfer needs to take place immediately to SSDI before the shortfall sets in during FY 2016, beginning in October 2015.

The war being waged against the American people by right-wing Republicans is happening at a very fast pace and can already be felt by millions of Americans all across the nation. The Republicans are trying to conceal their activities as much as possible before the public has a chance to rise up in anger to stop their draconian plans before they are made into federal law.

Lynda Carson may be reached at tenantsrule@yahoo.com

Lawsuit Filed Over 'Stay-Away' Law in Santa Cruz

Homeless people in Santa Cruz have precious little voice at City Hall, and much less in the court system. It's time for them to push back.

by Steve Pleich

The Homeless Persons Legal Assistance Project (HPLAP) served a lawsuit on the City of Santa Cruz, challenging the constitutionality of the recently passed "stay away order" ordinance (Municipal Code Section 13.08.100, revised).

The lawsuit seeks a preliminary injunction to enjoin the City of Santa Cruz from enforcement of the ordinance until the court hears the full case. HPLAP is bringing this suit on behalf of the homeless community for whom the parks, beaches and open spaces in Santa Cruz are traditionally places of rest, relaxation and communal association.

People experiencing homelessness in Santa Cruz have been progressively pushed around and forced out of public spaces. It's time to push back. Our homeless community has precious little voice at City Hall, much less in our court system. My hope as director of HPLAP is that this lawsuit will give voice to the voiceless.

The Complaint alleges in part that the use of parks and open spaces for free assembly "are protected by the First Amendment to the Constitution of the United States and by the California Constitution and Defendants' restrictions as to place, time and manner embodied in Section 13.08.100 are not reasonable under the circumstances."

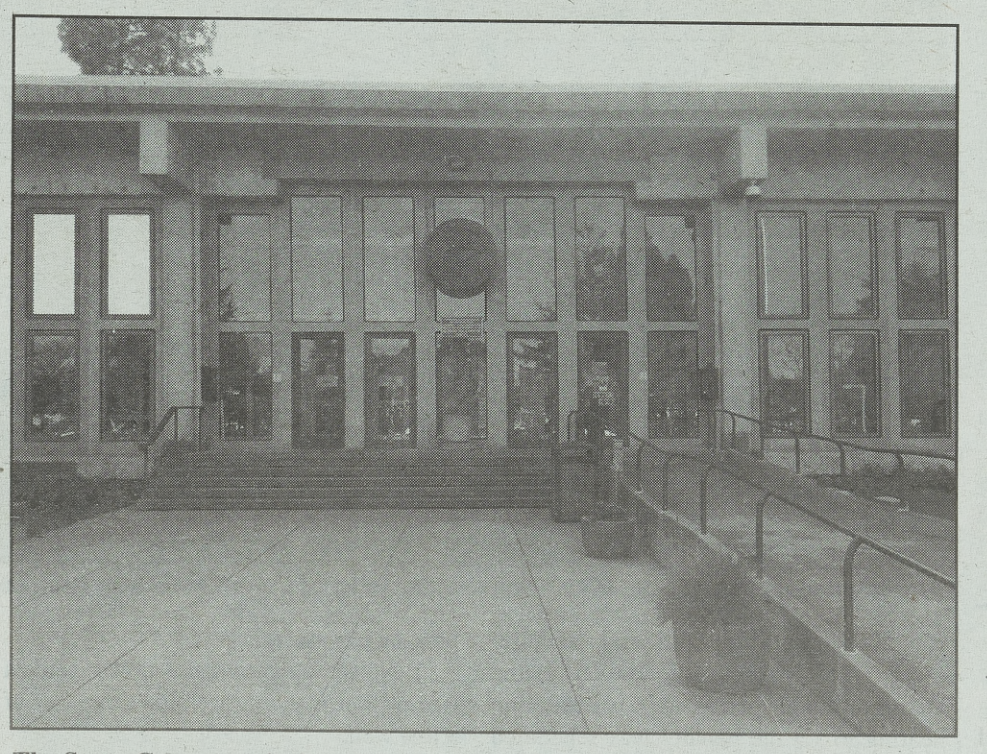
It further alleges that "the ordinance as applied to Plaintiff's activities ... are based upon violations of other municipal ordinances which are so vague that they violate basic due process standards in that a person of ordinary intelligence cannot reasonably know what he or she is legally permitted to do under the statutes."

Linda Lemaster, a longtime homeless advocate and founder of Housing NOW Santa Cruz, put it this way: "I am troubled about the way so many 'behavioral laws' fold one on top of the next in an attempt to banish people for being homeless. This new ordinance goes further than most, even further than the sleeping/camping ban here, in doing away with due process while criminalizing the status of homelessness for people in the City's parks and public places."

As if to illustrate this point, on February 19, the Policy Advocacy Clinic at the University of California, Berkeley, released "California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State." The study documents the increasing criminalization of homeless people in California through local laws mimicking shameful vagrancy laws of past eras that targeted people of color, migrants, and the physically disabled.

The study points out that many of the new laws and ordinances are "status" crimes, meaning a person can be adjudged guilty simply because he or she has the "status" of being homeless.

Homeless advocates and people experiencing homelessness believe that the new ordinance in Santa Cruz is the latest turn of the screw in the progressive targeting of homeless sleepers. Indeed, local neighborhood groups are pushing for gentrification that often creates a climate of exclusion for the less fortunate and unpropertied residents.



The Santa Cruz court is the setting of a struggle for the rights of homeless people.

HUFF (Homeless United for Friendship and Freedom) founder Robert Norse observes, "The new expanded Stay-Away Ordinance simply waives away any constitutional protections homeless people have to be considered innocent until proven guilty. It gives unbridled power to rangers and cops to target the unhoused, with laws against sleeping at night, smoking, and being in a park after dark.

"Not only can those engaging in life-sustaining behavior face hundreds of dollars in fines, but now they can immediately be banned without judicial process or recourse from large swaths of the city for periods of up to one year — all this without being found guilty of any crime, much less even the concocted 'crimes' for which they are charged."

The new "stay away order" ordinance has cast a pall over the homeless community in general and particularly over those who have historically found rest and association with others in city-owned parks.

"My friends and I come to the park most days to catch up on the latest news, chat and get some much-needed rest," says longtime homeless Santa Cruz resident Donnie B. "We can still do this, but now we are uneasy about our presence and that defeats the whole purpose of being in the park."

He adds, "We should have the same rights and access as any other person, but that seems to have changed for the worse."

The HPLAP Legal Team, led by Attorney Judith Barry of Aptos, is confident that the case will succeed on the merits and is asking for community-wide support as the case makes its way through the judicial process.

The City of Santa Cruz, the defendant in this case, has filed a demurrer and the hearing will be held on April 20 at 8:30 a.m. in Department 4 of the Santa Cruz County Superior Court, located at 701 Ocean Street in Santa Cruz. All those who advocate for the rights of people experiencing homelessness are urged to attend the hearing and lend their support.

Steve Pleich is the director of the Homeless Persons Legal Assistance Project which has been providing pro bono legal services to people experiencing homelessness in Santa Cruz and Santa Cruz County since 2011.

Instructions for Soldiers Back from War

by Julia Vinograd

Do not kill the waiter
who shoves a hot plate of soup
too close to your face,
there are no grenades in the clam chowder.
Do not kill the waiter.

Do not kill the fat man
who pushes his belly and cart
ahead of you in the grocery check out line.
His friends are not about to fire on you
from the trees, there are no trees in the grocery
and the fat man has no friends.
Do not kill the fat man.

Do not kill the smiling secretary
who won't let you in to talk to your doctor,
"The doctor is a very busy man,"
she wants to be a tape-recording when she grows up.
She's a large boulder blocking a narrow trail
in the jungle. You always smell the jungle.
Do not kill the smiling secretary.

Do not kill the nervous people at work
who talk about the war around the water cooler
as if war were a football game.
They expect you to kill them
if a ghost can kill
and their laughter is all wrong.
You spent years doing what was expected
but do not kill the nervous people.

Do not kill your family
who are not your family anymore.
Somebody loved them and you're living in his house.
You know your gun better than your 3 year old son.
You always will.
Close your eyes in bed with your wife.
Remember the teenage whore who tried to stab you.
Your hands were always your deadliest weapon.
Be polite. Sit on your hands.
Do not kill your family.

Do not kill yourself.
It is a soldier's duty to stay alive
even in the land of the dead
which seems to be all around you.
There's no taste to home-cooked food
but do not eat your gun.
The enemy could appear at any moment.
Wait for the enemy.

An 11 Year Old Revolutionary with Purple Hair

by Julia Vinograd

I was selling my poetry books at the crafts fair
and a lady came up to me with her daughter about 11
long purple hair, cute and shiny.
The lady said she wanted one of my books, but would have to go
to the Bank of America to get money, she'd catch up with me.
I didn't expect her to come back and didn't see her
for an hour and a half. She was laughing.
"You know what happened?" she said, "My daughter protested
'mommy, we can't go to Bank of America,
we have to go to a credit union,
that's what all the Occupy people say.'
It took me a while to find a credit union but here we are."
I signed her book and smiled
at the 11 year old revolutionary with purple hair.

Jerusalem Plays Hide and Seek

by Julia Vinograd

Jerusalem plays hide and seek with the ghosts of children.
It happened too fast, the children don't know they're dead.
Jerusalem doesn't know her soldiers killed them.
Jerusalem's soft night long eyes dazzle around
the children's ghosts. Here, no not here.
Jerusalem stretches out her quavering fingers,
little ghosts giggle behind gravestones or in the lean of a wall
all that's left of a shop selling sweet oranges
the children almost remember, except they're playing now.
Come back after the game.
Bloodwind and screams thru the streets can't touch the children
anymore and Jerusalem focuses her shining kaleidoscope
of beauty to make their ghosts laugh.
"*Alle, alle ouson*, I see you. Can you see me?
All my pretty ones can you see me now?"

Vulture

by Julia Vinograd

"How beautiful are armies marching,"
says the vulture sitting on a branch,
rustling his black wings over his head.
"How strong and sweet their young muscles,
how clear their eyes just like ripe grapes.
They're singing how much they love their country
and I love their lips more
where I'll put my beak between
and drink all the way down.
Armies march towards me, war is just an excuse.
Armies are so young and tender
and I won't let them ever get old."

The Wrong Men Were Sent to Jail

from page 1

A promotional photo for the DBA's ambassador program, now facing heavy criticism for mistreatment of homeless people.

Violence has a momentum all its own. As Quagmire reeled and stumbled to the side, Bailey went after him, punching him three times in the head and neck, then grabbing him by the back of his shirt, forcing him to the ground.

"I didn't touch you!" Quagmire shouted. Bailey slugged him again, while down, then five more punches as his victim huddled, trying to shield his face and stomach from the blows.

While Bailey, Quagmire, and Francois had been arguing, Smiley had continued to pack. But once Bailey slugged Quagmire, Smiley grabbed a walking stick, drawing Francois' attention. While Francois tried to block him from the beating, Smiley skirted around her to grab the leash of Toad, his dog, intent on keeping the animal away from the fracas. He held the stick back from Francois, refraining from using it as a weapon, and instead shook the handle of the leash in front of him to ward the ambassador off.

As Bailey whaled on the huddling Quagmire, Smiley attempted to strike Bailey over the back, but missed. At this point, Bailey threw Quagmire to the ground, done with the first portion of the beating. He now turned his attention on Smiley. Smiley backed away a couple dozen feet, but Bailey followed. Smiley struck his pursuer twice on the left arm with the stick, but Bailey continued to follow.

And then the momentum broke. Bailey and Smiley kept their distance, the latter holding tightly onto his stick as defense while the former taunted, "You bad... You bad..." but both returned to where Quagmire and Francois were standing.

While the four quarreled, the two homeless men continued to pack up their belongings, under the ambassadors' watch.

As the homeless men began to leave, Bailey approached Smiley, and grabbed the walking stick attached to his laundry cart, attempting to remove it. Smiley grabbed onto the stick as well, trying to hold it in place. Bailey knocked over the cart and slammed Smiley against a dumpster, the stick crossing his chest and pinning him by the throat.

"I'm watching you!" Bailey warned. With another shove and a strike across the face, he let Smiley go, and then told the men, "Get the fuck out of here."

The beating was over, but the beating was just the beginning. As Smiley and Quagmire left, Bailey and Francois contacted the Berkeley Police Department and reported that they had been assaulted. Minutes later, the two homeless men were stopped on Shattuck, arrested, and spent the weekend in jail, falsely accused after having been beaten.

On Monday morning, they were brought to court on two charges of assault with a deadly weapon, two of exhibiting a deadly weapon, one of disturbing the peace by offensive language, one of battery, and one of criminal threats. The district attorney's representation of events, assembled from Bailey's and Francois' police reports, is as follows:

"[Quagmire] used explicit language, raised his fist, and charged [Bailey] in an attempt to cause a physical altercation. [Quagmire] threatened to kill [Bailey] and their [sic] whole family... [Quagmire] committed these crimes against the victim while his co-defendant [Smiley] brandished and assaulted the same victim with a deadly weapon."

Both men pled no contest, accepting probation, mandatory labor with the Sheriff's Work Alternative Program, a stay-away order from CVS, and a requirement to pay restitution to Bailey, as the victim of the alleged assault. A restitution hearing to set the penalty was scheduled for May 18.

As court closed, neither Smiley nor Quagmire, nor the district attorney, nor the defense, nor the police, nor Bailey nor Francois knew that the previous day, a UC Berkeley student named Bryan Hamilton had posted a video to YouTube of the entire fight. The rest of Berkeley — and rapidly thereafter the rest of the country — didn't find out until Thursday, March 26.

The video, shot from Hamilton's room above the CVS store, gives a very clear perspective on the course of the beating. It was clear immediately that the report given to Berkeley police by the DBA ambassadors was dishonest — itself a fairly serious crime.

Quagmire had not threatened Bailey or his family. He had not raised his fist. He had not charged the man. The violence was initiated and almost completely perpetrated by the ambassadors. The wrong men had gone to jail.

When the video struck the news, the Downtown Berkeley Association's CEO, John Caner, fired Bailey immediately. Francois was placed on indefinite leave. "I want to personally, and on the behalf of the DBA board and staff, apologize to the victim of this beating," he wrote, "and the entire Berkeley community. This violent behavior runs entirely contrary to our organization's goals, as well as the standards and values of our entire community."

But if intolerance is the rallying cry of those who support the DBA's proposed legislation, then that word "entire" may be a bit of a stretch.

So what's the issue with tolerance in downtown Berkeley? Isaacs is a little short of the specifics, but you'll get the general idea: "The homeless have taken over the street. Many of them are rude, aggressive, menacing, and intimidating." Elsewhere in her piece, she mentions the presence of urine, feces, and aggressive canines.

She also complains of the smell of marijuana at the 2014 Christmas Tree lighting, though it's not clear that she blames homeless people for this: Her piece veers at times from complaints about homeless people to unrelated complaints about the Berkeley Unified School District. It's unclear whether she's upset about homeless people smoking pot, or about Berkeleyans in general smoking pot. An anonymous source confirms that both phenomena have been reported.

This is all that makes it into writing, but I don't want to be coy about this: In public fora, John Caner has complained about smoking in public spaces, and even alleges meth use on the sidewalk during business hours. But if we're loath to be coy, Caner is not. Here is the set of laws that Caner and supporters like Isaacs advocate:

1. No panhandling within ten feet of a parking pay station.

2. No setting belongings down inside a tree well or planter, or within three feet of a tree well.

3. No lying down on planter walls.

4. No laying down bedding between seven a.m. and ten p.m.

5. No tying belongings to bike racks, planters, trees, newspaper racks, or parking meters.

6. No cooking on the sidewalk.

Nothing about meth, marijuana, aggression, smoking, urine or feces, or badly behaved dogs. This is a bizarrely irrational disconnect. For advocates of the criminalization of homeless people, one of the most tiresome counters to their arguments from opponents is that all of the behaviors they object to are already illegal. Everyone knows this. No one doubts the illegality of methedrine. And Berkeley already has some of the most restrictive public smoking laws in the country.

The proposed laws aren't at all about the more specific complaints; they're about the first thing Isaacs has to say: "The homeless have taken over the street." I don't think Isaacs means this literally: She doesn't think that homeless people set rules for others on Shattuck. While the sidewalk is sometimes crowded, this is as much due to heavy commercial foot traffic as it is to homeless people's busking, selling patches, or asking for alms.

It is entirely possible to spend hours upon hours on Shattuck with no greater interference from homeless people than from Cal students, or teenagers from Berkeley High. No, I think Isaacs means simply this: There sure are an awful lot of homeless people on Shattuck.

She writes, "Berkeley's reputation for permissiveness has led homeless people to migrate here in large numbers. Right now, there is no realistic way we can support the disproportionate number of homeless people who come here — nor should one city have to bear a burden that should be spread throughout the state and country."

This idea that a municipality's good services or welcoming atmosphere draws a disproportionate number of homeless people to town is often referred to as the "magnet theory." It's been trotted out in Seattle, Portland, Arcata, San Francisco, Santa Cruz, and all over the West Coast.

As you might guess of a theory of being put upon that just about every city holds, it's pretty hard to find any evidence that it's true. Alameda County has not kept local records in its most recent homeless counts, but in the last year for which there is such data, 2009, the magnet theory doesn't find much support: Oakland, at triple Berkeley's size, also has triple the homeless people. However, it is able to serve a far greater portion of them: Oakland provides services for six times the number of homeless people that Berkeley does.

Berkeley's overall population is 0.6 percent homeless; Oakland's, 0.5 percent; San Francisco's, almost 0.8 percent (using the 2013 numbers, which are a little lower than those from 2009). There's just no evidence that Berkeley has a larger homeless population than similar West Coast cities.

If it did, it certainly wouldn't be because of tolerance. In February, the UC Berkeley School of Law Policy Advocacy Clinic released a report entitled California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State. California criminalizes homelessness at a far greater rate than does the United States at large, with an average of nine anti-homeless laws per city. Berkeley, with ten laws banning twelve acts, beats the average.

To really put the lie to that canard, we can compare Oakland and San Francisco. Oakland has fewer anti-homeless laws than does Berkeley, with eight laws banning ten acts, but per capita has roughly the same rate of homelessness. San Francisco has dramatically more laws — 23 with an equal number of restrictions — but has a higher per capita rate of homelessness.

But the magnet theory does not seem to have been damaged by contrary evidence. Caner — the CEO of the Downtown Berkeley Association, the supervisor of the ambassadors, and the chief proponent of the anti-homeless laws — also subscribes to this theory.

An interesting note, here. From the March 17 City Council meeting on, many in Berkeley have been describing the proposed anti-homeless laws through reference to their failed predecessor: Isaacs refers to the new laws as "the revival of Measure S..." City Councilmember Max Anderson said, "I call this 'Son of S,' the illegitimate son of S, who's come back to haunt us again."

They're referring to a 2012 Berkeley ballot measure which would have made it a crime to sit on any commercial sidewalk. The measure failed at the ballot by a healthy margin (larger than that by which Obama beat Romney), but not for want of trying. Until 2014, the Yes on S campaign was far and away the best-funded measure campaign in Berkeley history with a campaign budget of just under $119,000. It eclipsed all candidate campaigns with the exception of the most recent mayoral campaigns.

Caner was the chair of the Yes on S campaign, and his commitment to the anti-sitting cause didn't stop with money. On election day, Caner personally hired 50 homeless people from Oakland to stand by Berkeley polling locations and distribute slate cards that were designed to make voters believe that the Democratic party had endorsed Measure S (it had taken no position; all but one of the Democratic clubs that weighed in opposed the measure) and a pro-landlord slate of Rent Stabilization Board candidates. After

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The Wrong Men Were Sent to Jail

from page 14

the election, the Democratic Party censured the individuals who had produced the misleading slate card.

On one level, the comparison between these restrictions and a sitting prohibition could be confusing. Obviously, panhandling nine feet from a parking meter and sitting on the sidewalk are markedly different acts. A law preventing the one is not the same as a law preventing the other. But proponents must imagine that in practice in the real world, the laws would work in much the same way. Rachel Swan of the *East Bay Express* wrote the following in an interview with Caner in 2012:

"John Caner, CEO of the Downtown Berkeley Association, said that much of the frontline enforcement work under the sit/lie law would be delegated to 'ambassadors' rather than to Berkeley cops. Ambassadors are employed by merchants' associations. Caner foresees a system in which ambassadors would quietly shoo homeless people away from the city's main commercial districts..."

The beating on March 19 didn't go off very quietly. When Hamilton's video went public, homeless people on Shattuck immediately put out a call to action. Caner had written, as cited above, that he wanted "to personally apologize to the victim of this beating," but Quagmire was in jail, and Caner had made no such personal apology. He'd just written those words in a press release.

Furthermore, according to homeless people on Shattuck, this wasn't an isolated incident, but a pattern. The day after news of the video broke, a group of mostly homeless Berkeleyans gathered on Shattuck Avenue in front of one of the entrances to the Downtown Berkeley Association and held a rally, chalk-in, and march.

Ninja Kitty, a long-time resident of Berkeley who was one of the organizers of the protest, said, "Part of ambassadors' job is to intimidate homeless people off of Shattuck Avenue. People are only intimidated if the violence is sometimes real. This brutality is a part of what the DBA does. This isn't the first time that ambassadors have assaulted homeless people — it's just the first time it's been caught so well on camera."

I don't think John Caner or any of the members of the DBA wants this kind of brutality. But Ninja Kitty is right. Osha Neumann, an attorney who works with the East Bay Community Law Center, said, "Multiple times in the past couple months, private citizens have recorded Berkeley Police arresting homeless people with disabilities in ways that resulted in injuries. This incident differs only in that the shirt is yellow rather than blue."

He referenced the DBA's proposed laws: "This isn't a coincidence. When the DBA pushes for criminalization, police and ambassadors feel pressured to use force to push homeless citizens out of public spaces."

But homeless people aren't flies. Despite Caner's characterization of what ambassadors should do, homeless people don't just dematerialize with a "shoo" and a flick of the wrist. Pro-criminalization advocacy leads to physical abuse.

If the Downtown Berkeley Association is against tolerance, the implication is that the other side is for tolerance. Elisa Della-Piana, the chair of Berkeley's Homeless Commission, has been a vocal opponent of criminalization for years.

"Are we for tolerance?" She shakes her head in vigorous objection. "That's not even the right question. Something that you tolerate is something that you disapprove of, or that pains you in some way, but that you accept because it's good for a democratic society, or what have you. We don't accept homelessness. The situation of homelessness is intolerable. When you have a social situation that's intolerable, you try to solve it. If people who support criminalization want to do something about homelessness, then they should be collaborating with the rest of us to try to find solutions to the problem."

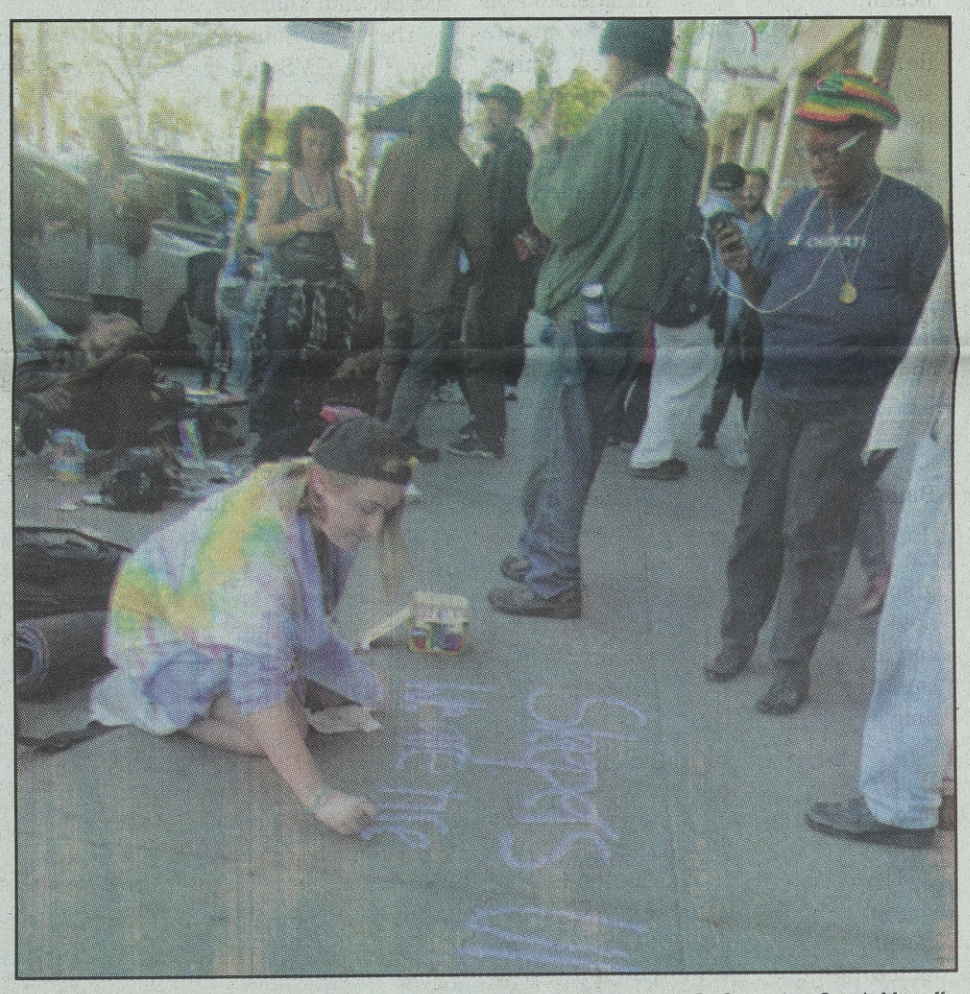
Many such efforts are active in Berkeley, right now. City Councilmember Jesse Arreguín has convened a Homeless Taskforce, a community committee that has been working for almost two years to develop a set of solutions to homelessness in Berkeley. On April 20, they'll hold their last meeting to finalize a set of recommendations that has been produced and vetted by housed residents, service providers, and homeless people. Those recommendations will go before City Council in June.

And the Task Force isn't the only collaborative effort to address homelessness in Berkeley. A year ago, City Council asked youth service providers to develop a proposal for how to expand services for homeless youth. The near consensus response was that Berkeley needed to provide more housing opportunities for youth.

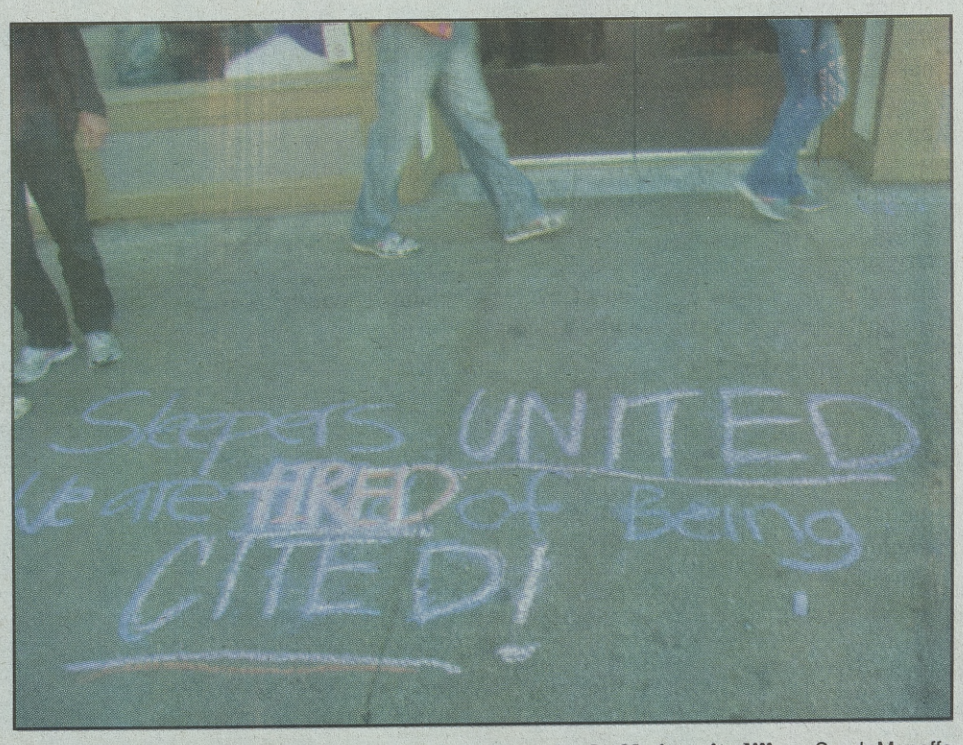
A specific proposal for rent subsidies passed through the Homeless Commission, but disappeared into limbo at City Council. In the past months, youth service providers have again taken up this cause. It is, without a doubt, the most effective and compassionate way to get youth out of cyclical homelessness, and to places of their own where they can legally rest, or set down their belongings during the day. Places that aren't Shattuck. Places that aren't limbo.

But for now, limbo is where Berkeley and the unsheltered people who call it home are left. The Alameda County Public Defender's Office has successfully sought a positive finding of innocence for Smiley, but at press time Quagmire remains in jail. And as City Councilmembers simultaneously consider criminalization and collaborative solutions, they leave the city as a whole teetering between a future of intolerance, and one of hope.

Protesters held a rally on March 17 before speaking against anti-homeless laws at the City Council meeting. Sarah Menefee photo



In defiance of Berkeley's laws that criminalize homeless people for sleeping outdoors, a protester uses colored chalk to speak out. Sarah Meneffe photo



The finished message: "Sleepers United. We are tired of being cited!" Dozens of chalked messages have been written on Berkeley sidewalks. Sarah Meneffe photo

Three Generations

This spoken word piece by St. Mary's Center Hope and Justice Coordinator Janny Castillo was performed with her daughter Naomi Cox and granddaughter Jania Gaines at St. Mary's Celebration for International Women's Day on March 19th, 2015.

Janny Castillo (*left*) reads "Three Generations" with her family at St. Mary's Center.

Spoken by Janny, the mother

I say three generations
I really mean many.

Through my heart flows the power and spirit of my mother,
And her mother,
And her mother before her.

I have shed many tears
And suffered many pains
And lived through times that I thought would end me,

But ... I have also experienced joy and deep gratitude.
For the experiences that have brought me to my knees in prayer
Has also lifted me up to dance to a song called Freedom,

I have suffered through trauma that only women endure
And got caught up in love that was the opposite of love,

And I have wished for peace while living an un-peaceful life
I have lived tied to a past that left me broken and broken hearted.

One day a child was laid in my arms
My first born, a daughter who looked like me,
Who showed me unconditional love,

This was a beautiful new experience
To have a daughter,
I was changed to my core ... I was transformed,
I became somebody's mama.

And through her newborn eyes
Peace began to grow in my heart… little tiny bits of hope began to rise,
I wanted so much to make her little world better.

BUT my lifestyle demanded
Trauma and more trauma,
And this little girl, and her three little brothers
Suffered with me as I made my way out of despair and homelessness,

I made it, though. You can say I prayed my way out.
You can still call me poor but I don't.
The effects of poverty do not affect me anymore.

And every day I pass this strength
And this message of peace and joy
To my daughter, and her daughter.

This is what I know for sure...
That my mothers have never forsaken me
Because of their strength and constant prayers
Today I am bright and shiny

Spoken by Naomi, the Daughter

Through my heart
Flows the power and spirit of my mother,
And her mother,
And her mother before her.

I am a child of my mother who loves me unconditionally,
But was too wounded to provide a safe place for me.

As a child,
I had to call many places home.
You would call them shelters, tents, places filled with strangers,
Rooms that belonged to everyone but never to me.

As my mother got better,
I got better.
But as a product of my neglected community
My mother's healing was not enough to avoid years
Of deep emotional and physical abuse.
I have suffered through trauma that only women endure.

Then one day a child was laid in my arms
My first born, a daughter that looked like me
Who showed me unconditional love.

This was a new beautiful experience,
To have a daughter.
I was changed to my core... I was transformed.
I became somebody's mama.

One day a child was laid in my arms
My first born, a daughter who looked like me,
Who showed me unconditional love,

This was a beautiful new experience
To have a daughter,
I was changed to my core ... I was transformed

My mother's healing cleared the path for mine.
Now I work hard to make my little daughter's world better.

This is what I know for sure.
That my mothers have never forsaken me.
Because of their strength and constant prayers
I am here bright and shiny.

Spoken by Jania, the granddaughter

I am Jania
And I am bright and shiny.
Through my heart flows the power and spirit of my mom,
And her mom, and her mom before her.

I may not have everything I want
But I have everything I need.

I call myself lil diva
Because mom and grandma
Tell me I am important and precious.

And I believe them.

I have a place that my mom and I call home,
I have a room just for me with my favorite books
And my favorite pink things.

I have pictures on the wall of my grandmother
Who takes me on day trips to take pictures
Like a real photographer.

I also have pictures on the wall of my Grandmothers
Who watch over me from heaven.

And my clothes are always clean
And some on them are cute enough
To make me want to put my hand on my hip and smile.

Sometimes I wear my hair in fancy little braids
Not done in a shop but braided by my mama.
And they look just as good as the shop.

My mom and dad broke up a long time ago
But I am not from a broken family because
I am loved by my mom and dad, and my uncles,
And my cousins, and my grandpas, and my great aunts
And especially my grandma.

My mama tells me I can be anything I want
And I believe her.
My grandma tells me to be kind and generous
And I told her I would work on that.

I am Jania. I am eleven years old.
Because of my mom's love, and the love of her mom
And her mom before her,
My future is bright and shiny.